



## Committee of the Whole Report

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**Report Number:** RS2024-034

**Meeting Date:** September 10, 2024

**Title:** Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Between the Properties Municipal Identified as 18 Golden Road, Somerville and 10 Griffin Drive, in the Geographic Township of Somerville, in the City of Kawartha Lakes

**Description:** Portion of Road Allowance Between Concession 6 and 7; Road Allowance Between Lot 36 and Lot 37, Concession Front Range, Between Highway 588 and Fourmile Lake

**Author and Title:** Christine Oliver, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2024-034, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Between the Properties Municipal Identified as 18 Golden Road, Somerville and 10 Griffin Drive, in the Geographic Township of Somerville, in the City of Kawartha Lakes**, be received;

**That** the subject property, being a portion of road allowance legally described as road allowance between Concession 6 and Concession 7, in the Geographic Township of Somerville; road allowance between Lot 36 and Lot 37, Concession Front Range, in the Geographic Township of Somerville, between Highway 588 and Fourmile Lake, in the City of Kawartha Lakes (between the properties municipally identified as 18 Golden Road, in the Geographic Township of Somerville and 10 Griffin Drive, in the Geographic Township of Somerville), be declared surplus to municipal needs;

**That** the closure and sale of the portion of road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that the

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

subject portion of road allowance merge with the purchaser's adjacent property on closing and a condition requiring the applicant to install drainage infrastructure prior to closing);

**That**, if one of the adjacent landowners decide that they do not wish to proceed with purchasing their respective portion of the road allowance, the entirety of the road allowance be sold to the remaining purchaser (with the City retaining an easement to preserve the drainage infrastructure, and with the City retaining a 0.3 metre wide reserve across the frontage of the road allowance to be sold, to prevent a driveway access at this location);

**That**, as a precondition of closing, the purchaser to install drainage infrastructure in the road allowance, at the purchaser's cost, to the satisfaction of the Director of Public Works;

**That** notwithstanding section 8.01 of By-Law 2018-020, Council direct staff to proceed through the disposition process of the road allowance leading to water;

**That** Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance;

**That** staff be directed to commence the process to stop up and close the said portion of road allowance;

**That** a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed, if appropriate;

**That** a deeming by-law be passed contemporaneously with the disposition by-law, if required;

**That** the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

**That** these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

## **Background:**

The Land Management Team received a request from the owners of the adjacent properties, municipally identified as 18 Golden Road, in the Geographic Township of Somerville, in the City of Kawartha Lakes and 10 Griffin Drive, in the Geographic Township of Somerville, in the City of Kawartha Lakes, to purchase a portion of the adjacent road allowance.

The Land Management Team reviewed this request at its meeting on November 13, 2023 and had no general objections to the request, noting the topography was so steep that access to the water at this location is not achievable. They did have a few additional conditions. Public Works did note that an unofficial drain is present on the subject property. The applicants would be required to install the drainage infrastructure (at their expense and prior to closing) with an easement in favour of the City. Public Works had concern with a potential future entrance request (from 7<sup>th</sup> Concession [to 18 Golden Road], in the Geographic Township of Somerville, in the City of Kawartha Lakes) and requires a reserve be present on the front of the subject property. With these conditions being met, the Team had no concerns with the sale.

Public Notice advertising the potential surplus declaration and sale of the subject portion of road allowance was completed by posting said notice on the City of Kawartha Lakes website commencing on July 9<sup>th</sup>, 2024.

The purpose of this report is to advise Council that the Land Management Team recommends that the subject property be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portion of the road allowance to the adjoining landowners.

## **Rationale:**

The Land Management Team has determined that this portion of the road allowance is not required for municipal purposes, over and above drainage, which can be preserved by way of an easement.

The adjacent owners both border the subject portion of road allowance. As a result, pursuant to the City's By-Law to Regulate the Disposition of Municipal Real Property (By-Law 2018-020, as amended) that portion of the road allowance can be conveyed to the adjoining landowners. It is standard practice to sell road allowances to all adjoining landowners, if interested.

The subject road allowance does technically lead to water, however, we are requesting an exemption to section 8.01 of By-Law 2018-020, as amended, which encourages the City to retain road allowances leading to water for the purpose of public access to water, given the steep geography preventing actual access to the water at this location. Further, other accesses to water are in close proximity (Appendix D identifies the additional access to water).

As per section 4.04 of By-Law 2018-020, as amended, an appraisal is not required for closed road allowances being sold to adjacent landowners, as long as the price set out in Schedule C of By-Law 2018-010 is recovered (in this case, \$2.50 per square foot of interior road allowance).

### **Other Alternatives Considered:**

Council may decide not to sell the road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

Council could decide to require an appraisal and dispose of the subject portion of road allowance for appraised value. This is not recommended, given that Council approved an amendment to By-Law 2018-020, as amended, which updated the set prices for road allowances to better reflect current land values. Further, requiring an appraisal adds time to the overall disposition process, as well as extra expense to the purchasers.

Council could decide to only sell the road allowance to one of the adjoining landowners. This would be inconsistent with past practice (when two adjoining landowners are interested in purchasing the road allowance) and is not recommended in this circumstance. It is recommended, as set out in the recommendations above, that if either party decided they no longer wish to proceed with the transaction, that the remaining party be eligible to purchase the entirety of the road allowance (with the City to retain an easement and a reserve).

### **Alignment to Strategic Priorities**

The recommendations set out in this Report align with the following strategic priorities:

- Good Government
  - Effective management of the municipal building and land portfolio

## **Financial/Operation Impacts:**

The parties will be asked to enter into a conditional Agreement of Purchase and Sale with a non-refundable \$1,000.00 deposit to cover initial road closing costs. The purchaser will pay for all costs of the transaction, plus a \$1,500.00 fee to cover the City's staff time expenses.

If Council sets the value of the land at the set price of \$2.50 per square foot of interior road allowance, the City will receive a net revenue of approximately \$49,500.00 (split between the parties, based on the amount of land each party ultimately purchases), which will be placed in the Property Development Reserve.

## **Consultations:**

Land Management Team

## **Attachments:**

Appendix A – General Location Map



Appendix A –  
General Location Map

Appendix B – Map



Appendix B – Map

Appendix C – Aerial Map



Appendix C – Aerial  
Map

Appendix D – Alternative Access to Water



Appendix D –  
Alternative Access to

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**Department File:** L06-23-RS050 and L06-23-RS051