



Committee of the Whole Report

Report Number: RS2024-040

Meeting Date: September 10, 2024

Title: **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Known as Grove Road**

Description: Legally described as McArthur Ave. on Plan 114; Part of Lot 33 on Plan 114 as in F7313 description may not be acceptable in future as in F7313, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0177); and Byrnell Ave. on Plan 166; Brynell Ave. on Plan 121, subject to R142782, except part 6 on plan 57R-9829, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0442)

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

Recommendations:

That Report RS2024-040, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Known as Grove Road**, be received;

That the subject property, being a portion of shoreline road allowance known as Grove Road, in the Township of Fenelon, in the City of Kawartha Lakes, legally described as McArthur Ave. on Plan 114; Part of Lot 33 on Plan 114 as in F7313 description may not be acceptable in future as in F7313, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0177); and Byrnell Ave. on Plan 166; Brynell Ave. on Plan 121, subject to R142782, except part 6 on plan 57R-9829, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0442), be declared surplus to municipal needs;

That the closure of the portion of shoreline road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the provisions of By-Law

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

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 a merger agreement be registered on title to each of the subject portion of shoreline road allowance and the purchaser's property on closing, requiring that neither be transferred or encumbered without the other and requiring that both be treated together as one parcel for zoning purposes, and including a condition that an easement in gross over the property be registered in priority to any mortgage, allowing the City access to maintain and repair Grove Road and the related drainage infrastructure);

That Council set the value of the land at the set price of \$9.00 per square foot of shoreline road allowance adjacent to a lake;

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

That a by-law (with any amendments deemed necessary) to close the road and authorize its dispositions 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 shoreline 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 requests from several adjacent landowners along Grove Road, in the Township of Fenelon, in the City of Kawartha Lakes, for each to purchase portions of the shoreline road allowance adjacent to their properties. These portions are located on the lake-side of the travelled road, opposite to their properties.

The Land Management Team reviewed this request at its meeting on September 11th, 2023 and they decided the subject property being an open shoreline road allowance (that is, having a travelled road thereon) was not eligible for sale and were not supportive of the request. The primary concern being a disposition of the subject property, limits the City's ability to preserve the integrity of the existing infrastructure.

At the Council Meeting of January 30th, 2024, Council adopted the following resolution:

9.3.2 CW2024-003

CR2024-012

Moved By Councillor Perry

Seconded By Councillor Warren

That the deputation of Shane Baker and Michael Brooks, **regarding a Request to Purchase the Shoreline Road Allowance Adjacent to Grove Road, Fenelon Township**, be received;

That Staff in Realty Services be directed to contact the applicants who have applied to purchase the shoreline road allowance along Grove Road and negotiate Agreements of Purchase and Sale for the applicable portions of the shoreline road allowance along Grove Road by the end of Q4, 2024; and

That the Agreements of Purchase and Sale include language to protect the City's lakefront access and the existing road infrastructure.

Carried

Public Notice advertising the potential surplus declaration and sale of the subject portion of shoreline road allowance was completed by posting said notice on the City of Kawartha Lakes website commencing on July 23rd, 2024. As of the date of authoring this report, Realty Services did not receive any comments, or concerns with regards to the proposed closure and sale of the subject land.

The purpose of this report is to advise Council that the subject property has been advertised, 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 shoreline road allowance to the adjoining landowners.

Rationale:

Council decided that this portion of open shoreline road allowance was suitable for disposal to the adjacent landowners to support their existing structures.

The interested parties own property adjacent to the subject portion of shoreline 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 shoreline road allowance can be conveyed to the adjoining landowner.

The subject shoreline road allowance does not lead to water, and therefore, the stop up closure and sale would not contravene section 8.00 of By-Law 2018-020, as amended.

As per section 4.04 of By-Law 2018-020, as amended, an appraisal is not required for disposal of a portion of shoreline road allowance being sold to an adjacent landowner, as long as they price set out in Schedule C of By-Law 2018-020 is recovered (in this case \$9.00 per square foot of shoreline road allowance along a lake).

Other Alternatives Considered:

Council may decide not to sell the road allowance and derive no financial benefit whatsoever. That would be inconsistent with the previous Council resolution.

Council could decide to require an appraisal and dispose of the subject portion of shoreline road allowance for appraised value. This is not recommended, given that Council approved an amendment to the By-Law 2018-020, as amended, which updated the set prices for shoreline 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 purchaser.

Alignment to Strategic Priorities

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

- 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 (per property) deposit to cover initial road closing costs. The purchaser will pay for all costs of the transaction, plus a \$1,500.00 (per property) fee to cover the City's staff time expenses.

If Council sets the value of the subject land at the set price of \$9.00 per square foot of shoreline road allowance adjacent to a lake, the City will receive a net revenue of approximately \$211,269.60 (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



RS2024-040 -
Appendix A - Locatic

Appendix B – Map



RS2024-040 -
Appendix B - SLRA K

Appendix C – Aerial Map



RS2024-040 -
Appendix C - SLRA K

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Department Head: Robyn Carlson

Department File: L06-23-RS034 to L06-23-RS47