



## Committee of the Whole Report

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**Report Number:** RS2024-041  
**Meeting Date:** September 10, 2024  
**Title:** Proposed Surplus Declaration and Sale of Lot 37 on Plan 139  
**Description:** Property adjacent to Rear Lot Lines of 40 & 42 Rose Street  
**Author and Title:** Laura Carnochan, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2024-041, **Proposed Surplus Declaration and Sale of Lot 37 on Plan 139**, be received;

**That** the subject property, being Lot 37 on Plan 139; Kawartha Lakes (PIN: 63275-0162 (LT)), be declared to be surplus to municipal needs;

**That** the sale to the adjoining landowner (as historically approved by Council of the former Fenelon Township) 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 subject property merge with the purchaser's adjacent property on closing);

**That** Council set the value of the land at the originally accepted price of \$1,750.00, marked up by inflation to today's value, minus \$750.00 to account for the amount paid as a deposit to Fenelon Township in 1991;

**That** a by-law (with any amendments deemed necessary) to authorize the disposition of the subject property shall be passed, if appropriate;

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

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

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

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

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

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

## **Background:**

At the Council Meeting of May 21, 2024, Council provided direction in closed session related to the disposition of the City-owned property legally described as Lot 37 on Plan 139; Kawartha Lakes (PIN: 63275-0162 (LT)). A map of the property is attached as Appendix A and an aerial map is attached as Appendix B.

This report addresses that direction.

On September 4, 1990, Council for the former Fenelon Township approved a sale of the subject property to the owners of 40 Rose Street (hereinafter referred to as "40 Rose Street") for \$1,750.00 plus the legal costs associated with the transaction. A copy of the Minutes of the September 4, 1990 Council meeting is attached as Appendix C.

The sale did not progress at the time, apparently due to City delay, and the property remains in City ownership to date.

Public Notice advertising the potential surplus declaration and sale of the subject property was completed by posting said notice on the City of Kawartha Lakes website commencing July 29, 2024. A "Potential Surplus Property" sign was posted on the subject property for a three week period commencing August 7, 2024.

Realty Services has received communication from the adjoining landowner at 42 Rose Street, objecting to the sale of the property in its entirety to 40 Rose Street. 42 Rose Street had submitted an application to purchase the subject property in September 2022, which was initially supported (prior to 40 Rose Street coming forward to advise of Fenelon Township's approval to sell the property to them in 1990). The Land Management Team reviewed the matter once the historical background was established and were of the opinion that it would be appropriate for the City to offer to split the property between both adjoining landowners in order to provide each property owner with additional land and create logical lot lines. 42 Rose Street confirmed that they are interested in this option, while 40 Rose Street has advised that they are not interested in proceeding in this manner and desire to purchase the entire property as historically approved by Council for Fenelon Township.

## **Rationale:**

The Land Management Team remains of the opinion that the subject property should be split between both adjoining landowners (as is standard practice), however, Council has chosen to uphold decisions made by former Townships when possible. Proceeding as per Fenelon Township's decision to sell the subject property to the owner of 40 Rose

Street will create unusual lot lines, but there are no restrictions (e.g. on title, pursuant to the Municipal Act, 2001, etc.) to prevent a sale of the land to 40 Rose Street.

The subject property is not a viable building lot on its own and will be required to merge with the adjacent property on closing to prevent a future sale of undevelopable land. 40 Rose Street has been advised of this and has not expressed an objection to this condition.

### **Other Alternatives Considered:**

Given that both adjoining landowners remain interested in acquiring the subject property, Council could consider the alternate options as set out below:

#### **Option 1 – Split the property disposition in accordance with the map in Appendix D**

Council could choose to split the subject property between both interested parties and simply extend the parties' shared lot line. This would result in 40 Rose Street acquiring the West half of the subject property and 42 Rose Street acquiring the East half. This alternative is shown on the map attached as Appendix D. This distribution would be in accordance with the City's normal practice, however, 40 Rose Street has expressed resistance to this, advising that they wish to acquire the entire property as per Council for the former Fenelon Township's decision in 1990.

This option requires a 2/3 majority, in accordance with the Procedural By-law.

#### **Option 2 – Split the property disposition in accordance with the map in Appendix E**

Council could choose to split the subject property between both interested parties, but provide 40 Rose Street with additional land along the southern boundary of the subject property. This alternative is shown on the map attached as Appendix E. This would create an uneven split (a "L" shape being offered to 40 Rose Street) and would not create straight lot lines, which are normally preferred by Planning. However, this split would allow 40 Rose Street, following acquisition, access to the road allowance adjacent to the subject property, which continues northerly and provides access to water. Access to the road allowance has been noted by 40 Rose Street as part of the reason for wishing to purchase the entire parcel of land, as it allows for a more direct route to the water.

This option requires a 2/3 majority, in accordance with the Procedural By-law.

## 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 deposit to cover initial costs of the transaction. All costs of the transaction, plus a \$1,500.00 fee to cover the City's staff time expenses will be paid for by the purchaser.

If Council sets the value of the land at the originally accepted price of \$1,750.00, marked up by inflation to today's value, minus \$750.00 to account for the amount paid as a deposit to Fenelon Township in 1991, this would amount to a value of \$2,876.45.<sup>1</sup> The revenue from the sale will be placed in the Property Development Reserve.

## Consultations:

Land Management Team

## Attachments:

### Appendix A – Map



Appendix A - Map  
(Lot 37 Plan 139).pdf

### Appendix B – Aerial Map



Appendix B - Aerial  
Map (Lot 37 Plan 139).pdf

### Appendix C – Minutes of September 4, 1990 Fenelon Township Council Meeting

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<sup>1</sup> \$1,750.00 in 1990 = \$3,626.45 in 2024 (per the Bank of Canada Inflation Calculator). \$3,626.45 - \$750.00 (to reflect deposit paid to Fenelon Township in 1991) = \$2,876.45



Appendix C -  
Minutes of Septemb

### Appendix D – Map of Alternate Split Option 1



Appendix D - Map  
of Alternate Split Op

### Appendix E – Map of Alternate Split Option 2



Appendix E - Map  
of Alternate Split Op

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**Department File:** L06-23-RS007