



## Council Report

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**Report Number:** RS2024-026  
**Meeting Date:** June 25, 2024  
**Title:** 581 Highway 36, Lindsay – Update  
**Description:** Update on the Sale of City-Owned Surplus Property located at 581 Highway 36, Lindsay  
**Author and Title:** Laura Carnochan, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2024-026, **581 Highway 36, Lindsay – Update**, be received;

**That** Resolution CR2007-124 be rescinded;

(A two-thirds majority vote is required to pass this specific resolution)

**That** Resolution CR2009-695 be rescinded;

(A two-thirds majority vote is required to pass this specific resolution)

**That** Resolution CR2020-319 be rescinded;

(A two-thirds majority vote is required to pass this specific resolution)

**That** the surplus declaration of the City-owned property municipally known as 581 Highway 36, Lindsay, and legally described as Part of Lot 25, Concession 6 as in A42096, Except Parts 1, 2, and 3 on Plan 57R-7922; Subject to R347885, Subject to R295322, in the Geographic Township of Ops, City of Kawartha Lakes (PIN: 63209-0151 (LT)) be rescinded; and

(A two-thirds majority vote is required to pass this specific resolution)

**That** the City-owned property municipally known as 581 Highway 36, Lindsay and legally described as Part of Lot 25, Concession 6 as in A42096, Except Parts 1, 2, and 3 on Plan 57R-7922; Subject to R347885, Subject to R295322, in the Geographic Township of Ops, City of Kawartha Lakes (PIN: 63209-0151 (LT)) be retained by the

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

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

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

City until such time as its potential use for landfill expansion or additional City use(s) has been determined, and no earlier than when servicing expansion has occurred.

## **Background:**

At the Council Meeting of October 20, 2020, Council adopted the following resolution:

### **CR2020-319**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Richardson

**That** Report RS2020-022, **581 Highway 36**, Lindsay, be received;

**That** the City-owned property municipally known as 581 Highway 36, Lindsay, and legally described as Part of Lot 25, Concession 6 as in A42096, Except Parts 1, 2, and 3 on Plan 57R-7922; Subject to R347885, Subject to R295322, in the Geographic Township of Ops, City of Kawartha Lakes (PIN: 63209-0151 (LT)), be declared surplus to municipal needs;

**That** the subject property be listed for sale on the open market for no less than the appraised value, plus all costs associated with the transaction;

**That** the sale be subject to easements in favour of the City for existing City infrastructure crossing the property in two locations;

**That** the property be sold "as is", noting the "no build" zone that affects most of the property;

**That** the property be sold subject to waiver of purchaser rights to claim against the City for nuisance or otherwise with respect to the nearby wastewater treatment plant and landfill, which waiver will be registered on title and bind all future owners of the property;

**That** the Manager of Realty Services or the CAO be permitted to fully execute all surplus municipal land listing documentation and any documentation associated with the receipt of an offer to purchase the subject property for, at minimum, the full appraised value plus any and all costs associated with the transaction;

**That** any offer(s) to purchase the subject property be presented to Council for discussion and consideration prior to the acceptance of any offer to purchase;

**That** a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed;

**That** the proceeds from the sale be placed in the Property Development Reserve; and

**That** the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the lands and registration of an easement in favour of the City with respect to infrastructure on the property.

**Carried**

At the Council Meeting of July 25, 2023 Council adopted the following resolution:

**CR2023-367**

**Moved By** Councillor Perry

**Seconded By** Councillor Warren

**That** Report RS2023-008, **Surplus City-Owned Property - 581 Highway 36, Lindsay**, be received;

**That** Staff consult with Vivek Sharma, regarding his deputation about the subject property noted as Item 6.1 on the Agenda, and report back by the end of Q4, 2023.

**Carried**

This report addresses these directions.

**Rationale:**

The City purchased the property located at 581 Highway 36, Lindsay, which is within 500-metres of the Lindsay Landfill – an active landfill – as a requirement of the Ministry of Environment, Conservation and Parks, upon landfill expansion.

The land within 500-metres of the landfill cannot be developed on pursuant to Township of Ops Zoning By-Law 93-30, section 2.26, which states that “no building or structure shall be located closer than 500 metres to licensed fill area on lands zoned Disposal Industrial (MD)”. This 500-metre boundary encompasses the majority of this site, precluding development unless a change in zoning can be achieved. Appendix A sets out the 500-metre “no build” zone around the landfill. Planning has advised that in order to contemplate reducing the setback, an environmental review would need to be undertaken either as a site-specific initiative or as part of a capital project (master plan or comprehensive review).

The subject property is 120.94 acres and fronts on Highway 36. The property is outside the settlement area boundary for the Town of Lindsay to 2031. The property is zoned Environmental Protection, Agriculture and Industrial (see Zoning Map attached as Appendix B).

The property is vacant, but water and sewer mainline/trunk servicing bisect the property in two separate locations. These locations are set out as Parts 2 and 4 on Reference Plan 57R-10898 (attached as Appendix C).

The property has silty clay deposits, which can be used as landfill cover for the Lindsay Landfill, thus avoiding the costs of going to market to acquire and haul this clay. The City is currently extracting silty clay from property immediately to the North of this property, which property cannot be built on because it is within 100-metres of the current boundary of the Lindsay Landfill.

Following its acquisition in 2006, Council has considered the use or development of this property several times:

Shortly after acquisition of the property and following receipt of a report indicating that the property was not needed as Contaminant Attenuation Zone, Council first considered the property. At the Council Meeting of February 13, 2007, Council adopted the following resolution:

**CR2007-124**

**Moved By** Councillor Ashmore

**Seconded By** Councillor Strangway

**Resolved That** Report LMC2007-03 "*City owned land at 581 Highway 36, Geographic Township of Ops, Surplus Declaration, Roll 1651 006 006 00400 0000 (LMC S21)*", be received;

**That** the City owned lands described as Part of Lot 25, Concession 6, in the Geographic Township of Ops, now City of Kawartha Lakes, municipally known as 581 Highway 36 containing approximately 123 acres, be declared surplus to municipal needs; and

**That** notice be given in accordance with By-laws 2001-89 and 2003-15, as amended.

**Carried**

Considering the emplacement of infrastructure through the property, and recognizing the potential for nuisance if not industrially zoned, Council again considered this property a few years later, in 2009. At this time, it refined its earlier direction to Staff: At the Council Meeting of June 9, 2009, Council adopted the following resolution:

**CR2009-695**

**Moved By** Councillor Luff

**Seconded By** Councillor Robertson

**Resolved That** the municipally owned property located north of the East Central Correctional Centre on Kawartha Lakes Road 36 be retained for future municipal purposes to be designated for Industrial development and only sold as individual parcels based upon required needs of shovel ready developers;

**That** the Manager of Planning, the Manager of Engineering, the Land Management Coordinator and the Business Development Officer be directed to take the necessary steps to develop a conceptual plan to facilitate the creation of an Industrial Zone that is developed and marketed incrementally (at no cost to the municipality and only when committed businesses are ready to construct) based upon demand from future Industrial Developers; and

**That** this conceptual plan include covenants that require purchased land to be forfeited to the municipality, with penalty, if a purchaser does not begin construction within one (1) year of the sale of the land.

**Carried**

The above conceptual plan would see the infrastructure being preserved within internal roads from Lagoon Road. Improvement of Lagoon Road and access of the property from this street, rather than Highway 36, would be a better design option than the addition of a driveway at Highway 36.

Economic Development, in carrying out the above direction, has been working with the business community to source leads for the various parcels within this property.

In 2018 a developer came to the City looking for 100 acres of serviced industrial land for a manufacturing plant. The City's Planning Department provided this developer with information on private undeveloped property to the East of Highway 36. Although unserviced, it had Industrial zoning and was not encumbered by landfill proximity, underground infrastructure crossings and creek crossings.

This developer made an offer to the City, which Council considered at its meeting of June 18, 2019. At that meeting, Council adopted the following resolution:

**CR2019-424**

**Moved By** Councillor O'Reilly

**Seconded By** Deputy Mayor Elmslie

**That** Staff be directed to negotiate the direct sale to an identified party for those portions of 581 Highway 36, Lindsay zoned Agricultural and Industrial (and to retain that portion of the property zoned Environmental Protection), subject to easements in favour of the City to protect underground infrastructure, and on the condition that all silty clay removed from the site during construction be separated out and placed on nearby City property at the cost of the purchaser,

and the land be sold for no less than appraised value plus all costs expended by the City. This offer will be conditional upon the property being subsequently advertised for potential surplus and sale in accordance with Disposition By-law 2018-020, being declared by Council as surplus to municipal needs, and a by-law subsequently being approved by Council to authorize the ultimate disposition.

### **Carried**

As noted in CR2019-424, direction was given for Staff to negotiate with an identified party to sell the portions of the subject property zoned Agricultural and Industrial (and – on the advice of the Planning Department – to retain the portion of the property zoned Environmental Protection).

On July 19, 2019, the City Solicitor provided a counter-offer to the identified party, in line with Council's direction per CR2019-424. A response was not received and the offer was later retracted.

In February 2020, another interested party submitted an application to the Land Management Committee (now Team) expressing interest in acquiring the subject property for the purposes of constructing a multimedia production facility.

The Land Management Committee reviewed the proposal at their meeting on March 9, 2020. The Committee reviewed this offer against the counter-offer that Council had approved in 2019 and found this offer to be deficient in several areas. Council reviewed the offer at the August 20, 2020 Council meeting, but did not provide direction to accept the offer.

At the Council Meeting of October 20, 2020, Council adopted resolution CR2020-319 (outlined in Background section, above), which declared the subject property surplus and directed staff to prepare the property for sale on the open market.

The property was listed for sale on the open market from May 21, 2021 to May 16, 2022. During that time, the City received a total of six offers from four parties (two parties provided updated offers after their initial offers were rejected by Council).

All offers were less than the listing price (which incorporated the highest appraised value and all costs associated with the transaction). Further, the "no build" zone was noted as being a deterrent for interested parties.

At the meeting of November 28, 2022, the Land Management Team reviewed a proposal from a party interested in entering in a Land Use Agreement with the City to utilize the property for an agricultural education program.

Given the issues in selling the property on the open market, the Land Management Team were generally supportive of the Land Use proposal (subject to negotiations to

set out specific details of the Agreement). However, no further actions were taken by the party and this proposal is no longer being considered.

At the Committee of the Whole meeting of May 9, 2023, Report CA2023-003 Future Waste Disposal Options Study, was presented to Council. Within the Report and accompanying Study, it was noted that landfill expansion is the only option to be examined by a waste disposal EA. As the subject property is adjacent to the Lindsay-Ops Landfill, it could be required for future landfill expansion. Accordingly, it is in the City's best interest to retain the property until such time as the waste disposal EA is complete. If the property is sold and it is determined that the subject property is the best option for expansion, the property could need to be re-purchased or expropriated.

At the Council Meeting of July 25, 2023, Council adopted resolution CR2023-367 (outlined in the Background section, above), following a deputation by an interested party. No proposal was received by the interested party by the end of 2023.

During this period, another interested party connected with Realty Services and expressed interest in submitting a proposal to purchase and build on the property. Realty Services Staff met with the interested party and provided all requested information regarding the property. The interested party was offered the option of submitting a proposal by the end of 2023, in keeping with Council's direction for the other interested party per CR2023-367. No further communications were received from the interested party, nor was a proposal submitted.

Due to the historical difficulties the City has faced in attempting to sell the property, its potential use for landfill expansion, and current servicing constraints impacting development in Lindsay, staff are of the opinion that the property should be retained by the City unless/until these circumstances change. Finally, any development of this property should occur via the growth planning process, further review of possible future City use(s), and following servicing expansions.

### **Other Alternatives Considered:**

Council could decide to keep the property surplus and direct Staff to re-list the property on the open market. This is not recommended, given that the property has development restrictions which has proved to be a deterrent to selling the property. Further the adjacent landfill has been flagged for future expansion and this property would be required for the expansion project.

### **Alignment to Strategic Priorities:**

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

- Good Government
  - Ensure municipal assets are well maintained and well managed

## **Financial/Operation Impacts:**

None

## **Consultations:**

City Solicitor

## **Attachments:**

Appendix A – 500 metre “No Build Zone”



Appendix A - 500  
Metre No Build Zone

Appendix B – Zoning Map



Appendix B -  
Zoning Map (RS2024-

Appendix C – Reference Plan 57R-10898



Appendix C -  
57R-10898 (RS2024-(

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**Department Head:** Robyn Carlson

**Department File:** L06-17-RS031