



## Committee of the Whole Report

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**Report Number:** RS2024-035

**Meeting Date:** September 10, 2024

**Title:** **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Identified as Doubletree Road and Willowdale Court, in the Geographic Township of Ops, in the City of Kawartha Lakes**

**Description:** Legally described as PCL Streets – 1 Sec on 57M-758; Doubletree Road on plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Parts 2 and 3 on 57R-9931 (PIN: 63240-0017); and PCL Streets – 1 Sec on 57M-758; Willowdale Court on Plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Part 1 on 57R-9931 (PIN: 63240-0018)

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

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### Recommendations:

**That** Report RS2024-035, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance identified as Doubletree Road and Willowdale Court in the Geographic Township of Ops, in the City of Kawartha Lakes**, be received;

**That** the subject property, being a portion of road allowance identified as Doubletree Road legally described as PCL Streets – 1 Sec on 57M-758; Doubletree Road on plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Parts 2 and 3 on 57R-9931 (PIN: 63240-0017), be declared surplus to municipal needs;

**That** the subject property, being a portion of road allowance identified as Willowdale Court legally described as PCL Streets – 1 Sec on 57M-758; Willowdale Court on Plan

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

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

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

57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Part 1 on 57R-9931 (PIN: 63240-0018), be declared surplus to municipal needs;

**That** the closure of the portion of road allowance and sale to the adjoining landowner 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 adjacent landowner entering into a conditional Agreement of Purchase and Sale (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing);

**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 owner of the adjacent property, legally identified as PCL 1-1 Sec 57M-758; Lot 1 on plan 57M-758; Subject to LT15626, in the Geographic Township of Ops, in the City of Kawartha Lakes (PIN: 63240-0001), to purchase a portion of adjoining road allowance. The road allowance bisects this property owner's holdings to the North and South of the road allowance. Once transferred to the adjacent owner, one resultant large parcel will be created.

The Land Management Team reviewed this request at its meeting on January 8, 2024 and had no general objections to the request.

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 7<sup>th</sup>, 2024. In addition, a "Potential Surplus Property" sign was installed on-site on July 5<sup>th</sup>, 2024. As of the date of authoring this report, Realty Services did not receive any public 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 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 landowner.

### **Rationale:**

The Land Management Team has determined that this portion of the road allowance is not required for municipal purposes.

The Land Management Team only contemplated selling the subject road allowance to the applicant, owner of the property legally described as legally identified as PCL 1-1 Sec 57M-758; Lot 1 on plan 57M-758; Subject to LT15626, in the Geographic Township of Ops, in the City of Kawartha Lakes (PIN: 63240-0001), because they are the owner of property on both sides of the road allowance.

The interested party is the owner of the property bordering 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 landowner.

The subject road allowance does not lead to water, it borders private property, 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 closed road allowances being sold to an adjacent landowner, as long as the price set out in Schedule C of By-Law 2018-020, as amended, is recovered (in this case, \$2.50 per a 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 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 applicant 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 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 \$39,187.50, which will be placed in the Property Development Reserve.

### **Consultations:**

Land Management Team

## **Attachments:**

### Appendix A – General Location Map



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Appendix A - Locatic

### Appendix B – Map



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Appendix B - Map of

### Appendix C – Aerial Map



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Appendix C - Aerial I

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**Department File:** L06-23-RS061