



Committee of the Whole Report

Report Number: RS2025-003
Meeting Date: January 14, 2025
Title: **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance Adjacent to 130 Angeline Street North, Lindsay**
Description: Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance Legally Described as Ragland Street on Plan 1, Being Regent Street between Angeline Street and Albert Street; Kawartha Lakes (Part of PIN: 63219-0092 (LT))
Author and Title: Christine Oliver, Law Clerk – Realty Services

Recommendations:

That Report RS2025-003, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Adjacent to 130 Angeline Street North, Lindsay**, be received;

That the subject property, being a portion of road allowance adjacent to 130 Angeline Street North, 130 Colborne Street West, and 150 Angeline Street North, Lindsay and legally described as Ragland Street on Plan 1 being Regent Street between Angeline Street and Albert Street; Kawartha Lakes (Part of PIN: 63219-0092 (LT)), be declared surplus to municipal needs;

That the closure 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 subject portion of road allowance merge with the purchasers adjacent properties on closing);

That, if one of the adjoining landowners decides they do not wish to proceed with purchasing their respective portion of the road allowance, that portion of the road

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

allowance be sold to the remaining purchasers, if appropriate (otherwise, a segment of the length to be retained by the City at its current width);

That Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance, unless the purchaser wishes to pay for an appraisal, in which case, Council set the value of the land at the lower of the set price of \$2.50 per square foot of interior road allowance and the appraised value;

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 property municipally known as 130 Angeline Street North, Lindsay, to purchase a portion of the adjacent road allowance.

The Land Management Team reviewed this request at its meeting on May 13, 2024 and had no general objections to the request. Realty Services contacted the other adjoining owners to determine if they would be interested in purchasing their proportionate sections of the unopened road allowance. All three adjoining owners are interested in proceeding. A map of the resultant parcel fabric is attached at Appendix D.

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 November 6, 2024. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject lands.

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.

Three adjacent owners (130 Angeline Street, 150 Angeline Street and 150 Colborne Street) are participating in purchasing the 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. As the road allowance will merge with existing holdings, the resultant parcel fabric is at Appendix D.

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 adjacent land owners, as long as the price set out in Schedule C of By-Law 2018-020 is recovered (in this case, \$2.50 per square foot of interior road allowance). Use of the set price results in a cost and time savings to the purchasers, as they are not required to pay for an appraisal or wait while an appraisal is completed. However, some purchasers are of the opinion that the set price is too high for the land they are purchasing. Section 4.03 of By-Law 2018-020, as amended, does note that an appraisal may be required in order for Council to set the price of the land to be disposed of. Accordingly, if the purchasers are of the opinion that the set price is too high, Staff recommend offering the purchasers the option of paying for an appraisal so that the land value can be set at the lower of the set price and the appraised value.

Other Alternatives Considered:

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

Council could decide to only sell the road allowance to one of the original applicants, being the owner of 130 Angeline Street North. This would be inconsistent with past practice (when two or more adjoining landowners are interested in purchasing the road allowance) and is not recommended in this circumstance. It is recommended, as set out above, that if any party decides they no longer wish to proceed with the transaction, that the remaining parties be eligible to purchase that portion of the road allowance adjacent to their existing property boundary. While the Land Management Team is supportive of a portion of the length of the road allowance not being transferred, the Land Management Team is not supportive of a portion of the width of the road allowance being transferred. The former will not result in landlocked parcels in City ownership in this instance. The latter will result in parcels of limited utility.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the strategic priority Good Government, more specifically provide accountable government and responsible management of resources through ensuring municipal assets are well maintained and well managed.

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. 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 set price of \$2.50 per a square foot of interior road allowance, the City will receive a net revenue of approximately \$57,500.00 (split between the parties, based on the amount of land each party ultimately purchases). If any of the purchasers opt to obtain an appraisal of the land, they will be required to pay for the associated costs (estimated at \$2,000.00 - \$3,000.00). The land value would then be calculated at the lower of the set value (as noted above) or the appraised value.

The revenue from the sale will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Attachments:

Appendix A – Location Map



Appendix A -
Location Map

Appendix B – Map



Appendix B - Map

Appendix C – Aerial Map



Appendix C - Aerial
Map

Appendix D – Anticipated Resultant Parcel Fabric



Appendix D - Map of
Anticipated Resultant

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