



## Committee of the Whole Report

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**Report Number:** RS2025-006

**Meeting Date:** January 14, 2025

**Title:** **Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance Adjacent to 315 Avery Point Road, Sebright**

**Description:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance legally described as Part of the Original Shore Road Allowance along Lake Dalrymple lying in front of Lot 35, Registered Plan 136, in the Geographic Township of Carden, City of Kawartha Lakes

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

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### Recommendations:

**That** Report RS2025-006, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance Adjacent to 315 Avery Point Road, Sebright**, be received;

**That** the subject property, being a portion of shoreline road allowance adjacent to 315 Avery Point Road, Sebright and legally described as Part of the Original Shore Road Allowance along Lake Dalrymple lying in front of Lot 35, Registered Plan 136, in the Geographic Township of Carden, City of Kawartha Lakes, be declared surplus to municipal needs;

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

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

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

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

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

**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 disposition shall be passed, if appropriate;

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

**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 property municipally known as 315 Avery Point Road, Sebright to purchase the portion of shoreline road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on November 11, 2024, and had no objections to the request.

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 November 25, 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 shoreline road allowance to the adjoining landowner.

## **Rationale:**

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own their lots right up to the water's edge. In many circumstances, the adjacent property owner has encroached onto this space and utilized it as a lot addition.

In this area, various portions of the shoreline road allowance have already been stopped up, closed, and conveyed to adjoining landowners. Accordingly, the Land Management Team felt that it would be appropriate to proceed with stopping up, closing, and conveying the subject portion of shoreline road allowance to the adjacent landowner.

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, in this case being \$9.00 per square foot of shoreline road allowance adjacent to a lake, is recovered. 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, Staff have found that 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 purchaser is of the opinion that the set price is too high, Staff recommend offering the purchaser the option of paying for an appraisal so that the land value can be set at the lower of the set price or the appraised value.

### **Other Alternatives Considered:**

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

### **Alignment to Strategic Priorities**

The recommendations set out in this Report align with the strategic priority Good Government, more specifically, by providing 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 \$9.00 per square foot of shoreline road allowance adjacent to a lake, the City will receive a net revenue of approximately \$29,800.00. If the purchaser opts to obtain an appraisal of the land, they will be required to pay for the associated cost (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 of SLF

### Appendix B – Map



Appendix B - Map  
of SLRA adj 315 Aver

### Appendix C – Aerial Map



Appendix C - Aerial  
Map of SLRA Adj. 31

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**Department File:** L06-24-RS034