



Committee of the Whole Report

Report Number: RS2025-002
Meeting Date: January 14, 2025
Title: **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 100 and 114 Front Street East and 27 Anne Street, Bobcaygeon**
Description: Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as Prince Street on Plan 70 between Main Street & Front Street; Kawartha Lakes, being Part of PIN: 63130-0284 (LT)
Author and Title: Lucas Almeida, Law Clerk – Realty Services

Recommendations:

That Report RS2025-002, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 100 and 114 Front Street East and 27 Anne Street, Bobcaygeon**, be received;

That the subject property, being a portion of road allowance adjacent to 100 and 114 Front Street East and 27 Anne Street, and legally described as Prince Street on Plan 70 between Main Street & Front Street; Kawartha Lakes, being Part of PIN: 63130-0284 (LT), be declared surplus to municipal needs;

That the sale of the portion of road allowance 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 purchaser(s)'s adjacent properties on closing);

That, if one of the adjacent landowners decides they do not wish to proceed with purchasing their respective portion of the road allowance, that portion of the road allowance be sold to the remaining purchasers;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That, if necessary to clear title, 100 Front Street be required to consent to the dismissal of the existing encroachment agreement registered on title;

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 or 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 owner of the property municipally known as 100 Front Street East, Bobcaygeon to purchase the portion of road allowance adjacent to their property. The Land Management Team reviewed this request at its meeting on July 8, 2024, and had no objections to the request. Following this decision, Realty Services reached out to the other adjacent landowners at 114 Front Street East and 27 Anne Street to provide them with the opportunity to purchase the portions of the road allowance adjacent to their respective properties. Both landowners are interested in purchasing their respective portions of the road allowance.

Public Notice advertising the potential surplus declaration and sale of the subject portion of road allowance was completed by posting notice on the City's website commencing on the 10th day of October, 2024. Realty Services did not receive any comments or concerns from the public 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 landowner(s).

Rationale:

The Land Management Team has determined that this portion of the road allowance is not required for municipal purposes. There is an encroachment agreement registered on title for the road allowance, in favour of 100 Front Street East. The disposition of this property would release this interest from the remaining portions of road allowance: If necessary to clear title, 100 Front Street will be required to consent to the dismissal of the encroachment as a condition of the transfer.

The interested parties own properties that border 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 landowners. The owner of 100 Front Street East will be required to purchase the encroached portion of the road allowance, ensuring compliance with zoning side yard setback requirements. As a result, the portion conveyed to the other adjoining property owners may be reduced once the Reference Plan is completed.

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, is recovered, being \$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, 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 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 or 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 practice and is not recommended in this circumstance.

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 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 set 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 \$36,350.00. If any of the purchasers opt 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 – General Location Map



Adobe Acrobat
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Appendix B – Aerial Map



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Appendix C – Map



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