



## Committee of the Whole Report

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**Report Number:** RS2025-001

**Meeting Date:** January 14, 2025

**Title:** **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 7 Thomas and 5 Amelia Street, Pontypool**

**Description:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as Scott Street on Plan 14 Manvers Lying West of Highway M142; Kawartha Lakes, being Part of PIN: 63269-0747 (LT)

**Author and Title:** Lucas Almeida, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2025-001, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 7 Thomas and 5 Amelia Street, Pontypool**, be received;

**That** the subject property, being a portion of road allowance adjacent to 7 Thomas and 5 Amelia Street, Pontypool and legally described as Scott Street on Plan 14 Manvers Lying West of Highway M142; Kawartha Lakes, being Part of PIN: 63269-0747 (LT), be declared surplus to municipal needs;

**That** the sale of the portion of 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 road allowance merge with the purchasers' adjacent properties on closing);

**That** Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance, unless the purchasers wish 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;

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

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

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

**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 7 Thomas Street, Pontypool to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on November 13, 2023, and denied the request as the subject portion of road allowance may be required for future connectivity between Thomas Street and Amelia Street. The resident presented a deputation to Council at the Regular Council Meeting of February 20, 2024, and advised Council that the grade of land was such that a connection in this location would not be practical. Accordingly, Council adopted the following resolution directing staff to proceed with the disposition process for the portion for the portion of road allowance adjacent to 7 Thomas Street:

CR2024-067

Moved By: Tracy Richardson

Seconded by: Pat Warren

**That** the deputation of James Cochrane and Amanda Wilson, **regarding a Request to Purchase the Portion of Road Allowance along the South and West Sides of 7 Thomas Street, Pontypool**, be received.

Result: Carried

CR2024-068

Moved By: Tracy Richardson

Seconded by: Mike Perry

**That** the request from James Cochrane and Amanda Wilson to purchase the portion of the road allowance along the south and west sides of 7 Thomas Street, Pontypool be granted; and

**That** the disposition of the property, in accordance with By-Law 2018-020, be supported.

Result: Carried

Realty Services contacted the owner of the adjacent property at 5 Amelia Street, Pontypool to inquire about their interest in purchasing the portion of the road allowance

adjacent to their property. The owner expressed interest in proceeding with the purchase.

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 29<sup>th</sup> day of October, 2024. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject lands.

This Report addresses the direction provided by Council per CR2024-068.

### **Rationale:**

While the Land Management Team were of the opinion that this portion of the road allowance may be required for municipal purposes in the future (to complete an extension of Scott Street, connecting Thomas Street and Amelia Street), Council directed that the subject lands proceed through the disposition process after receiving information from the prospective purchaser indicating that the grade of the land is too steep to easily facilitate a road connection.

The interested parties own property which 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.

Should either property owner decide not to proceed, the balance of the road allowance will remain in public ownership.

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 purchaser, 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 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.

### **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 purchasers.

If Council sets the value of the land at the set price of \$2.50 per square foot of interior road allowance, and the entirety of the length of the road allowance is transferred, the City will receive a net revenue of approximately \$40,625.00. If either 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 – General Location Map



Adobe Acrobat  
Document

## Appendix B – Aerial Map



Appendix B -  
RS2025-001.pdf

## Appendix C – Maps



Appendix C -  
RS2025-001.pdf

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**Department Head:** Robyn Carlson

**Department File:** L06-23-RS049 and L06-24-RS029