



Committee of the Whole Report

Report Number: RS2025-023

Meeting Date: May 6, 2025

Title: **Proposed Surplus Declaration, Closure and Sale of a Road Allowance adjacent to 357 Alvar Road, Kirkfield**

Description:

Author and Title: Madison MacCormack, Law Clerk – Realty Services

Recommendations:

That Report RS2025-023, **Proposed Surplus Declaration, Closure, and Sale of a Road Allowance adjacent to 357 Alvar Road, Kirkfield**, be received;

That the subject property, being a road allowance adjacent to 357 Alvar Road, Kirkfield, and legally described as Road Allowance between Concession 6 and Concession 7; Carden, North of Road Allowance between Lot 20 and Lot 21, Concession 6; Kawartha Lakes, being PIN: 63272-0152 (LT), be declared surplus to municipal needs;

That the donation of the road allowance to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 018-020, 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 road allowance merge with the purchaser's adjacent properties on closing);

That notwithstanding Section 4.03 of By-Law 2018-020, the road allowance adjacent to 357 Alvar Road be conveyed for nominal consideration, as the property owner is a nature conservancy and therefore does not acquire a financial advantage as a result of the conveyance;

That staff be directed to commence the process to stop up and close the said road allowance;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

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 357 Alvar Road, Kirkfield to acquire the road allowance that is adjacent to their property for nominal consideration.

The Land Management Team first reviewed this request at its meeting on June 6, 2024. The Team noted that there was no municipal need for the road allowance, but were of the opinion that the entirety of the road allowance should be disposed of so that the City would not retain a stub at the north end of the road allowance. Accordingly, Realty Services reached out to the adjoining landowners at the north end to determine their interest in purchasing the portions of road allowance abutting their respective properties. Neither party expressed interest. The request was re-reviewed at the Land Management Team meeting on September 9, 2024. The Team discussed conveying the entirety of the road allowance to the applicant, but noted that it would create an irregular lot configuration and would not be best practice from a Planning perspective. Accordingly, the Team denied the request.

The Couchiching Conservancy proceeded to make a deputation to Council on March 18, 2025, and Council adopted the following resolution:

CR2025-073

Moved By Councillor Warren

Seconded By Councillor Perry

That the deputation of Courtney Baker, of the Couchiching Conservancy, **regarding a Request to Purchase a Portion of Road Allowance Adjacent to 357 Alvar Road, Kirkfield**, be received; and

That Staff be directed to proceed with advancing the applicant's request (to purchase the entirety of the road allowance for nominal consideration and all costs payable by the purchaser) through the disposition process, in accordance with By-Law 2018-020, as amended.

This Report addresses the direction provided by Council per CR2025-073.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by posting on the City's website commencing on April 10, 2025. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject lands.

Rationale:

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

The interested party owns property that borders the subject 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) 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.

While Section 4.03 of By-law 2018-020 sets out that Council may set a price for the land to be disposed of, requiring either an appraisal or use of the set pricing for road allowances, as Couchiching Conservancy is a nature conservancy group which does not stand to obtain a financial advantage from acquiring the road allowance adjacent to its property, a donation (or conveyance for nominal consideration) is appropriate in this situation.

Other Alternatives Considered:

No alternatives considered.

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 purchaser 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, Couchiching Conservancy.

Consultations:

Land Management Team

Attachments:

Appendix A – Map



Appendix A -
Map.pdf

Appendix B – General Location Map



Appendix B -
General Location Map.pdf

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Department File: L06-23-RS053