



## Committee of the Whole Report

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**Report Number:** RS2025-039

**Meeting Date:** November 4, 2025

**Title:** **RS2025-039 Proposed Surplus Declaration, Closure and Sale of Road Allowance adjacent to 81 Harvest Road**

**Description:** Proposed Surplus Declaration, Closure and Sale of a Road Allowance Legally Described as Part of the Road Allowance between Concession 1 and Concession 2 Verulam Abutting Lots 2 to 4 Except R378237; Kawartha Lakes (Part of PIN: 63143-0259),

**Author and Title:** Madison MacCormack, Law Clerk – Realty Services  
Robyn Carlson, City Solicitor

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### Recommendations:

**That** Report RS2025-039, **Proposed Surplus Declaration, Closure and Sale of Road Allowance adjacent to 81 Harvest Road**, be received.

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

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

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

## **Background:**

The Land Management Team received a request from the owner of the property municipally known as Part Lot 2, Concession 1, Verulam (Harvest Road) to purchase the road allowance that is adjacent to their property and runs southerly from their property along the westerly lot line of 81 Harvest Road to join with the northern terminus of Harvest Road.

The Land Management Team reviewed this request at its meeting on July 14, 2025. The Team noted that they were not in a position to support the request to purchase a portion of the unopened road allowance as the road allowance is used for municipal purposes, including snow storage at the terminus of Harvest Road.

As this matter had previously been reviewed by Council via a deputation by the applicants, the Land Management Team were of the opinion that Realty Services should advance a Report to Council outlining the details of the matter and rationale for the Land Management Team's position. This was presented in closed session at the Council Meeting on August 26, 2025. Council resolved to direct the property through the disposition process, subject to the requirements of By-Law 2018-020 (Disposition of Municipal Real Property) and the City's Land Disposition Policy, including advertisement and return to Council for surplus declaration.

Accordingly, Realty Services commenced the public notice process, including reaching out to the adjoining landowners to determine their concerns or objections in the City disposing of the road allowance abutting their respective properties. One party expressed concerns with a lack of fairness, as they had previously expressed an interest in purchasing the lot prior to the applicant's purchase, and were advised by the City that the road allowance would need to be upgraded to City standards and then assumed by the City for maintenance purposes, in order for the lot to be developable. This party moreover expressed concerns with the proposed sale of the road allowance as the use/development by a private owner could impact their property depending on how it is maintained. In addition, this party noted that the road allowance has been consistently used for access to farm fields by a variety of large farm equipment, including tractors, haybines, balers, seeders, and combines. They further expressed that their preferred option would be for the road allowance to be upgraded and then assumed and maintained by the City. This party intends to provide correspondence to Council on this Agenda to personally express their concerns and provide additional details.

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 September 24, 2025 and with a "Proposed Surplus Property" sign installed on-site commencing

September 17, 2025. Realty Services did not receive any further concerns with regards to the proposed closure and sale of the subject lands.

### **Rationale:**

The interested party owns property that borders a portion of 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) this portion of the road allowance can be conveyed to the adjoining landowner. It should be noted that typically, a purchaser is only permitted to purchase the road allowance which directly abuts the boundaries of their property. In this case, an additional section south of the applicant's property (adjacent to 81 Harvest Road) is being requested in order to attain frontage at the existing terminus of Harvest Road. Frontage on a municipally maintained road is required in order for the purchaser's property to be developed (another option which would result in development is for the vacant property to upgrade the road to its frontage). A map outlining the area proposed to be sold is attached as Appendix A.

The subject road allowance does lead to water, and therefore, the stop up, closure and sale would contravene section 8.00 of By-Law 2018-020, as amended: "Council has declared, by Resolution CR2001-1025, that unopened road allowances leading to water shall be retained by the municipality. Upon receipt of a request to purchase an unopened road allowance leading to water the applicant shall be advised that Council is not prepared to consider declaring any unopened road allowances that lead to water as surplus to municipal needs. Exceptions may be considered where alternate access to water in the immediate vicinity can be provided."

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.

As at least one of the adjoining landowners has noted that they use the subject road allowance for access to farm fields, a right-of-way in favour of the landowner (or both,

should the other adjoining landowner confirm that they too have historically used the road allowance) should be granted in order to maintain access rights. As these rights-of-way would not be required were the subject road allowance to remain in City ownership, the costs of registering the rights-of-way should be borne by the purchaser, including any legal fees incurred by the two adjoining landowners.

### **Other Alternatives Considered:**

Council may decide to sell the road allowance. In this case, in addition to passing the above recommended resolution, Council will pass the following resolution:

**That** the subject property, being a road allowance legally described as Part of the Road Allowance between Concession 1 and Concession 2 Verulam Abutting Lots 2 to 4 Except R378237; Kawartha Lakes (Part of PIN: 63143-0259), which is located adjacent to 81 Harvest Road, Dunsford and adjacent to the property legally described as Part of Lot 2, Concession 1, Verulam Part 1 on 57R-6408; Kawartha Lakes, be declared surplus to municipal needs;

**That** the sale of the road allowance to the adjoining landowner to the northern section of the road allowance be supported, in principle, notwithstanding section 8.0 of By-Law 018-020, as amended, and in accordance with 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** an exemption to compliance with section 8.00 of By-Law 2018-020 be granted, in order for the sale to proceed;

**That** rights-of-way in favour of the adjoining landowners to the east (60 Harvest Road) and west (81 Harvest Road) be granted prior to closing, if required to maintain existing/historical access and that the associated costs (including the east/west adjoining landowners' legal fees) be paid by the purchaser;

**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;

**That** staff be directed to commence the process to stop up and close the said 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.”

### **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:**

If the alternative is pursued: 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 purchasers. This includes any costs required to register rights-of-way on title for the two adjoining landowners to retain access rights for farm equipment, as well as any legal fees incurred by said landowners.

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

There will be negative operational impacts with respect to winter maintenance, as discussed above.

If the property owner is required to upgrade the road for assumption by the municipality, including the provision of a turnaround at the end, this will improve the road network.

### **Consultations:**

Land Management Team

### **Attachments:**

Appendix A – Map



Appendix A -  
Map.pdf

## Appendix B – General Location Map



Appendix B -  
General Location Map.pdf

## Appendix C – Aerial Map



Appendix C - Aerial  
Map.pdf

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**Department File:** L06-25-RS006