



Report to Council

To: Mayor and Council Members
From: Alana Solman, Chief Administrative Officer
Date: February 24, 2025
Subject: Municipal property - roll number 1536-020-002-27407

Recommendation:

That Council declare the municipal property, roll number 1536-020-002-27407 as surplus and further that Council proceed to sell the property as per the Township's land disposition policy.

Background:

The legal description of the municipal property, roll number 1536-020-002-27407 is Part of Lot 6 & 7, Concession 15 (former Township of Burleigh), Township of North Kawartha, being Part 40 on Plan 45R-363. The Township acquired the property on July 17, 1978.

The property was zoned Open Space (OS) pursuant to the first comprehensive zoning by-law of the former Township of Burleigh-Anstruther, By-Law No. 2-1979. The property is situated on a private road, Fire Route 52A, which is not a municipal highway under the jurisdiction of the Township of North Kawartha.

A detailed review of the files including the current state of this property has been completed. Historical records indicate that the use of this property has been brought forward to several Councils on different occasions over the years. A large portion of the property is flooded lands. Only a very small portion of the municipal property was being used for barging. The sketch clearly demonstrates that 3.55 m of the boat launch is on municipal property. The entire parking area is located on private property. A current sketch of the property provided by J. D. Barnes, OLS (Elliot and Parr) dated October 22, 2024 is included in this report.

The Township has received two requests of interest to purchase this property, or part thereof. The Township has a by-law in regards to the sale of municipal property.



Township of North Kawartha
280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
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Analysis:

The only way to access this municipal property is by crossing over privately owned lands or by water access.

The property has a right of way over Fire Route 52, a private road that is not municipally maintained, for its own exclusive use of the property. To extend that use, inviting the public to travel the Fire Route would be considered over-burdening the right of way.

The zoning for the private and municipal properties does not permit the use of a boat launch.

The Township is now aware of the constraints and restrictions impacting this property and cannot disregard the information.

A site-specific by-law would not resolve the issues of trespassing over private property or the right of way issues.

Emergency services have legislated authorities to enter property in emergency situations. The authority for North Kawartha Emergency Services is under the Fire Protection Prevention Act.

The Township has natural person powers under the Municipal Act to sell the property, declare the property surplus and follow the By-Law for the sale of real property, attached to this report.

Financial Implications:

Revenue, minus associated costs, from the sale of the property. An estimated value for the property could be determined by an appraisal and there would be a cost for the appraisal.

Strategic and/or Other Plans:

- 3.1 Maintain policies and processes that enable effective governance.
- 4.2 Protect the human environment.

In Consultation With:

M. John Ewart; Matt Aldom, CBO;

Attachment:

By-Law #106/07 to establish policies for the Sale of Real Property



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Staff Report to Council from the CAO dated November 29, 2024.

Legal opinion provided by M. John Ewart, Ewart O'Dwyer on November 19, 2024, File 3195.

Sketch provided by J. D. Barnes, OLS (Elliot and Parr) dated October 22, 2024.