



City of
Peterborough

TO: Members of the Committee of the Whole

From: Allan Seabrooke, Acting Director, Planning & Development Services

Meeting Date: December 5, 2016

**Subject: Report PLPD16-079B
Sale of a portion of Laneway at 47 Kingan Street**

Purpose

A report to recommend that a portion of the laneway behind 47 Kingan Street be declared surplus to the needs of the municipality, closed and offered for sale to one abutting property owner.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-079B dated December 5, 2016, of the Acting Director, Planning & Development Services as follows:

- a) That a by-law be passed to stop up and close that portion of the laneway behind 47 Kingan Street, Peterborough, such lands no longer required for the purposes of the City of Peterborough; and
- b) That a by-law be passed selling the lands as set out in Appendix A, to the abutting property owner at 47 Kingan Street for a total price of \$320, for 46.79m², plus legal administrative costs.

Budget and Financial Implications

The proceeds of the sale of the laneway at 47 Kingan Street will be allocated to the General Property Reserve Account.

Background

In August 2016 the City was approached by the owner of 47 Kingan Street, who, in the process of attempting to secure a building permit to make necessary structural repairs to his garage situated at the rear of his property, was informed that his existing garage was built on City owned land. (See Appendix A and B).

A site inspection determined that the garage is at the end of the laneway and poses no obstructions to any adjacent land owners. The parcel to be conveyed is approximately 46.79m² in size. (503.65ft²)

The owners of 34 Benson Avenue and 41 Kingan Street were contacted to discuss the application to acquire the parcel. The owner of 34 Benson Ave has confirmed his support of the application. The owner of 41 Kingan St. has voiced her objection to the proposal.

Legal Services has reviewed the Transfer/Deed and the Property Identification Number (PIN) for 41 Kingan Street. The laneway is shown on Registered Plan 71, the abutting landowners, which include both 41 and 47 Kingan Street, have the right to use the laneway. Municipal Councils routinely consider requests to permanently close laneways, or portions of them, in order to sell land to abutting landowners. City Council has the right to pass a by-law to stop-up and close a portion of this laneway and sell the stopped-up portion to the owner of 47 Kingan Street.

The garage, which the owner of 47 Kingan wishes to re-build, has been in place for decades and it has effectively prevented the owner of 41 Kingan Street from using the laneway to provide vehicular access to the rear of her property. The decision of whether or not to sell a portion of the laneway to the owner of 47 Kingan Street is consistent with the efficient use of land. The proposed sale will permit the owner of 47 Kingan Street to re-build his garage while not negatively affecting anyone else's historical use of his/her existing property.

The remainder of the laneway should not be sold because it provides vehicular access to two properties, being 47 and 51 Kingan Street.

There is no significant value associated with this parcel as it is undevelopable on its own. The garage has been in use since the home was built more than 60 years ago. The owner wishes to legitimize the continued use through this acquisition in order to perform necessary structural repairs.

The property owner will need to procure a new survey of the property at their expense prior to closing.

It is recommended that Council direct the property be declared surplus, closed and sold to one abutting land owner for \$320, plus administrative costs incurred by the City associated with the transfer.

Submitted by,

Allan Seabrooke
Acting Director, Planning and Development
Services

Stephen Burman
Real Estate and Development
Manager

Contact Name:

Stephen Burman
Phone – 705-742-7777 Ext. 1484
Fax – 705-742-5218
E-Mail – sburman@peterborough.ca

Attachments:

Appendix A - Property location
Appendix B – Photos of laneway

Appendix A (property location) – Page 1 of 2



Appendix A (property location) – Page 2 of 2



Appendix B (photos of laneway) – Page 1 of 1



Front of garage



Rear of lot behind garage