



City of
Peterborough

To: **Members of the Committee of the Whole**

From: **Patricia Lester, City Solicitor and Director of Legal Services**

Meeting Date: **November 6, 2017**

Subject: **Report OCSRE17-023**
Acquisition of a portion of Sutherland Place –
Part 1 on Plan 45R-16483

Purpose

A report to authorize the acquisition of Part 1 on Plan 45R-16483 for the purpose of legalizing the City's use of a portion of Sutherland Place.

Recommendations

That Council approve the recommendations outlined in Report OSCRE17-023 dated November 6, 2017, of the City Solicitor and Director of Legal Services, as follows:

- a) That a by-law be passed to authorize the acquisition of Part 1 on 45R-16483, in the City of Peterborough for \$10,000 plus HST, vendor's legal fees of \$2,000 and land transfer tax of \$60;
- b) That a by-law be passed to establish Part 1 on 45R-16483, in the City of Peterborough, as part of the public highway named Sutherland Place.
- c) That staff be authorized to enter into an agreement to use Part 2 on Plan 45R-45R-16483 to temporarily store snow upon the annual payment of \$250 to the owners of 126 Sutherland Place.

Budget and Financial Implications

This acquisition will be funded from the General Property Reserve. The annual maintenance payment to the owners of 126 Sutherland Place will be funded from the Winter Roads Contracted Services Operating Account.

Background

Sutherland Place is a cul-de-sac in East City; it runs east-west from Rogers Street and terminates next to the Rotary Trail (see Appendix “A”). Part 1 and Part 2 appear to form part of the travelled portion of Sutherland Place, when in fact they are owned by the owners of 126 Sutherland Place.

Public Works, as part of its winter maintenance activities, plows snow east-to-west on Sutherland Place and temporarily deposits snow on Part 1 and Part 2. Discussions with the owners resulted in a modification of the Public Work’s practices, whereby it now only temporarily deposits snow within the boundaries of Part 2 and then returns within a few days to remove it. This modified practice has been in place since the winter of 2015/16, and the owners of 126 Sutherland Place and Public Works are satisfied with the arrangement.

Across the street at 125 Sutherland Place, City records indicate that the City issued a building permit in 1948 to allow the construction of a home at 125 Sutherland Place. 125 Sutherland Place did not, despite all appearances, have direct access to Sutherland Place. Historically, 125 Sutherland Place enjoyed access to Sutherland Place by way of a laneway which abuts both 125 and 131 Sutherland Place. At some point, a driveway to 125 Sutherland Place was created, which fronts onto Part 1 and which incorporates a portion of a former laneway. The City’s purchase of Part 1 will give the owner of 125 Sutherland Place direct access to Sutherland Place.

The recommendations, if adopted, would achieve the following:

1. The City would own Part 1, which would give the owner of 125 Sutherland Place undisputed direct access to Sutherland Place.
2. The informal arrangement regarding the City’s seasonal use of Part 2 to deposit snow would be formalized, thus assisting Public Works in its winter maintenance activities and the owners of 126 Sutherland Place would be compensated for the City’s usage.

Submitted by,

Patricia Lester
City Solicitor & Director of Legal Services

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Attachments: Appendix A – Reference Plan and Aerial Drawing

Appendix A

Reference Plan and Aerial Drawing



