

June 24, 2010



City Council Committee Report (closed meeting)

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: Request to purchase municipal property – Poole

Recommendation:

THAT, Council of the City of Kenora hereby declares property abutting 23M 832 LOT 1 PARCEL 35418 and the Winnipeg River, as surplus to the needs of the municipality; and

THAT before the transfer of the lands the applicant provides a legal survey of the subject lands to be transferred, which will establish the location and extent of the 1039 foot contour to the satisfaction of the City of Kenora and Ontario Power Generation; and that prior to transfer to the applicant, the City of Kenora will grant to OPG a registered flooding easement over the subject lands up to the 1039 foot contour, at the cost of the Applicant;

THAT before the transfer of the lands, the applicant provides a legal survey of the subject lands indicating the location of the existing structure(s) on the property;

THAT in accordance with Notice By-law #140-2007, arrangements be made to advertise the sale of the subject lands for a two week period; and further

THAT once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Robert Edward Poole, subject to the conditions above, at the appraised value, as established by Century 21 – Reynard Real Estate, plus all associated costs, including survey, legal, transfer costs of the subject lands and associated flood easement.

Background:

The City of Kenora By-law Enforcement Officer began an investigation of the location of a new structure on the Winnipeg River on May 31, 2011 (photos attached). The property owner was contacted and requested to bring the property into compliance with the Zoning By-law. The property owner attended the Building Department on June 3rd and was briefed regarding steps required to purchase the lands and the possible requirement for an application for variance to the Zoning By-law for the front yard setback.

Mr. Poole has applied to purchase the shore allowance. As with all applications on the Winnipeg River, Ontario Power Generation was circulated. They require a flooding easement over the lands.

The application for variance will go to the Kenora Planning Advisory Committee, however to determine the size of the encroachment into the front yard, a real property report/building location survey will also be required.