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TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON JANUARY 20, 2014
FROM:	EDWARD SOLDI, P.ENG. DIRECTOR OF ROADS AND TRANSPORTATION
SUBJECT	CLOSING OF THE COLBORNE STREET DIVERSION

RECOMMENDATION

That, on the recommendation of the Director of Roads and Transportation, the following actions be taken with respect to the Colborne Street Diversion:

- (a) the closing of the Colborne Street Diversion and Colborne Street lying north of Huron Street on Registered Plan 402(C) **BE APPROVED**; and,
- (b) Civic Administration **BE AUTHORIZED** to initiate the process of legally closing the Colborne Street Diversion and Colborne Street lying north of Huron Street as public highway and for the conveyance of any easements necessitated by the closing, it being noted the closing will not be initiated until the City enters into a purchase and sale agreement for the road allowances.

BACKGROUND

Purpose:

The purpose of this report is to obtain Council approval to legally close Colborne Street and the untraveled "Colborne Street Diversion" lying north of Huron Street on Registered Plan 402(C) as public highway so that the road allowances can be sold to the Roman Catholic Episcopal Corporation Diocese of London.

Context:

The "Colborne Street Diversion" was created by Judges Order dated February 17th, 1934 registered as Instrument LY40898 that effectively realigned portions of Colborne Street and Epworth Avenue on Registered Plan 402(C). The intent was to relocate Colborne Street and Epworth Avenue to provide a permanent cross-connection from Huron Street to Waterloo Street that became known as the "Colborne Street Diversion". The abutting owner, the Roman Catholic Episcopal Corporation Diocese of London, has applied to purchase the road allowances from the City. Prior to the road allowances being sold they must be legally closed as public highway, which is the subject of this report.

DISCUSSION

The Roman Catholic Episcopal Corporation Diocese of London has applied to close and purchase the Colborne Street Diversion and Colborne Street north of Huron Street so that the road allowances can be incorporated into their property. The Diocese own most of the lands abutting the road allowances save for a small portion on the east side of Colborne Street at Huron Street that is owned by the Merrymount Childrens Centre.

The portion known as the Colborne Street Diversion was never constructed and is not traveled. The short section of Colborne Street lying immediately north of Huron Street contains a joint private entrance to the Diocese property at 1040 Waterloo Street as well as to the separately owned Merrymount Children's Centre at 1064 Colborne Street. The private entrance has always been maintained by the Diocese.

The road allowances are not used by the public and the City has no future need for them. No Civic departments, including Environmental Services and Planning, have objected to the closing

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and sale of the road allowances.

Prior to the sale of the road allowances it is necessary to legally close them as public highway which in turn requires that any easements also be conveyed to any affected utility owners.

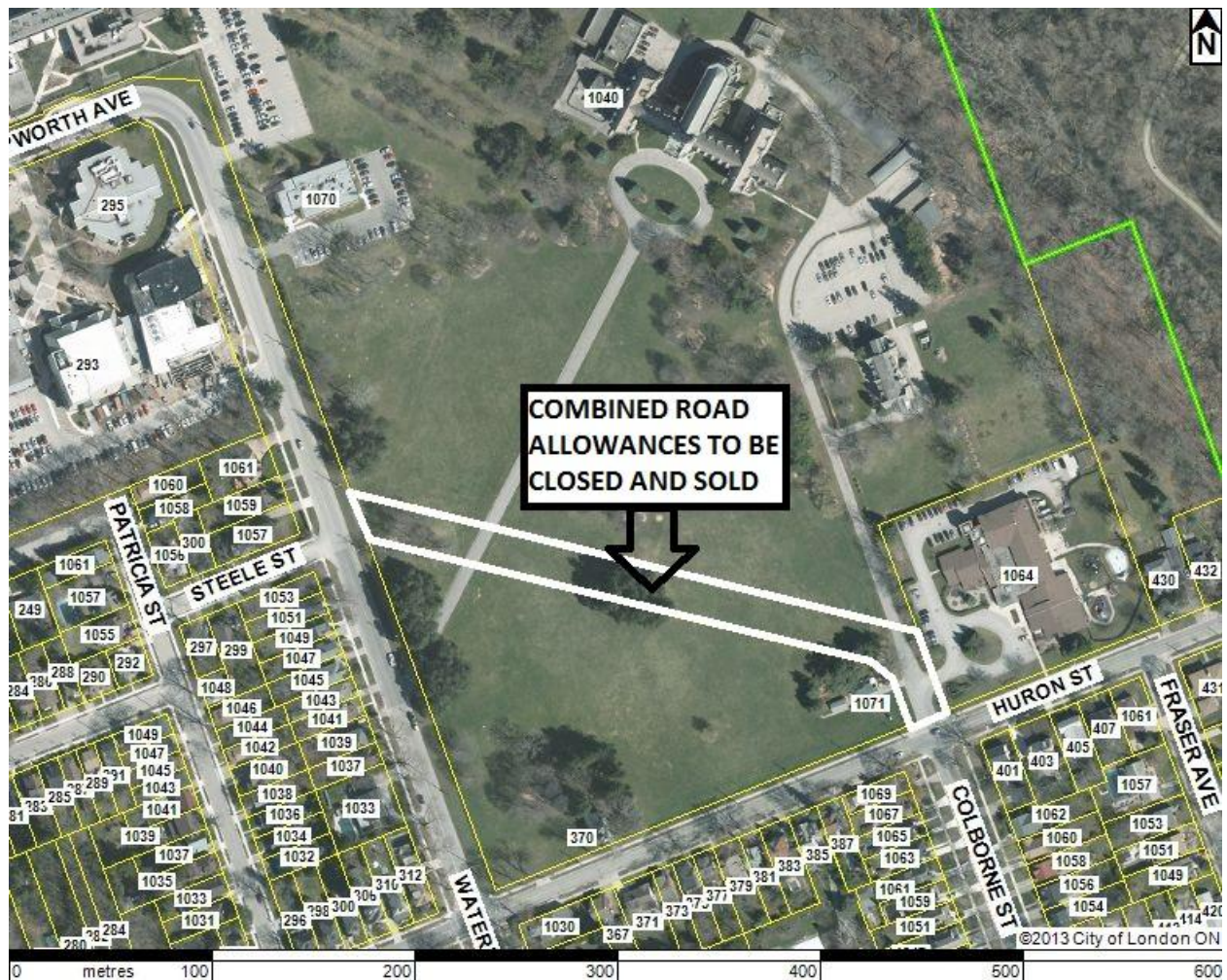
The Merrymount Children's Centre, whom access their property from Huron Street over the short section of Colborne Street, have consented to the closing on the condition that they receive an easement that protects their legal access to Huron Street, which all parties have agreed to.

Since the road allowances are not publically traveled, no public notice is required for the closing and Civic Administration intends to close the road allowances by municipal bylaw which is both expedient and less costly for the applicant as opposed to closing by Court Order.

Realty Services and the Diocese have tentatively agreed upon a purchase price for the road allowances which will be the subject of a separate report to be brought forward by Realty Services.

CONCLUSION

The untraveled Colborne Street Diversion and Colborne Street lying north of Huron Street are not needed by the City and serve no public purpose, therefore it is recommended the road allowances be legally closed as public highway as a prelude to being sold to the Roman Catholic Episcopal Corporation Diocese of London.



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PREPARED BY:	RECOMMENDED BY:
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REVIEWED AND CONCURRED BY:	
JOHN M. BRAAM, P.ENG. MANAGING DIRECTOR ENVIRONMENTAL SERVICES AND CITY ENGINEER	

December 17, 2013
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