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MN-8315
F.Gerrits/L.Mottram

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	APPLICATION BY: AAR-CON ENTERPRISES STREET RENAMING TERRACE STREET (West of Adelaide Street South) PUBLIC PARTICIPATION MEETING ON JUNE 16, 2014 AT 4:10 pm

RECOMMENDATION

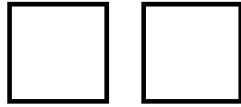
That, on the recommendation of the Manager of Development Services, the following actions be taken with respect to the resolution of Municipal Council in response to an application by AAR-CON Enterprises Corp. for a street renaming:

- a) That the portion of Terrace Street, west of Brookside, closed by By-law S.-1231-674 be re-opened for public use and that the By-Law attached as Schedule "A" to repeal By-Law S.-1231-674, **BE INTRODUCED** at council effective 30 days after the registration of Draft Approved Plan 39T-02511;
- b) Subject to final approval of the Draft Approved Plan 39T-02511 by the Ontario Municipal Board and on approval of the street name change the By-law attached as Schedule 'B' to re-name the specified portion of Terrace Street to Hayes Street, **BE INTRODUCED** at the first available Council meeting within 30 days after the registration of the Draft Approved Plan 39T-02511; and
- c) The applicant **BE REQUIRED** to pay for the full cost of the street renaming, at a 100% cost recovery basis, this shall include, but not limited to, street signage, advertisement, by-law registrations.

BACKGROUND

On July 30, 2002, AAR-CON Enterprises Corp. submitted a draft plan of subdivision application for 107 single detached dwelling lots, 1 walkway block and 1 park/open space block served by the extension of Terrace Street and Brookside Street and 1 new street on 6.77 hectares of land located at 1 Terrace Street, (Application File No. 39T-02511). Municipal Council supported the draft plan of subdivision, subject to conditions and red-line revisions, and the concurrent Official Plan and Zoning By-law Amendments. The City of London Subdivision Approval Authority granted draft approval to the plan as red-line amended subject to conditions on May 15, 2003.

CN Rail appealed the decision of the City of London Approval Authority. CN Rail and the applicant reached a settlement and the settlement required adding a condition of draft plan approval. The City did not object to the addition of the condition. On August 23, 2004 the Ontario Municipal Board approved the red-line amended draft plan of subdivision subject to the modified conditions.



MN-8315
F.Gerrits/L.Mottram

Shortly after the draft approval was granted the City was advised that fill material was discovered over a significant portion of the draft approved plan. Studies submitted in support of the applicant indicated fill material (believed to be garbage) did exist on the site and that it was limited to being within the vicinity of a trunk storm sewer. The fill was reported to be used as backfill. As a result the City and the applicant (which included Sifton Properties Limited through a joint venture) negotiated responsibility for the fill. Negotiations concluded with the City purchasing 2.647 hectares on November 14, 2008. The applicant retained the remaining 3.915 hectares.

The terms of the settlement reserved to the owners the right to seek appropriate amendments from the Ontario Municipal Board to their draft approved plan. This resulted in several requests over time to the OMB to prevent the draft approval from lapsing. The Ontario Municipal Board has extended the lapse date on a number of occasions, with the current approval lapses on April 25th, 2015.

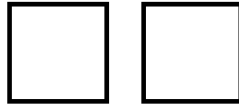
Revised draft plan conditions and a revised draft plan of subdivision were accepted and approved by the OMB in its decision issued on May 10, 2012. The draft plan shows 66 single detached dwelling lots and 1 private open space block, served by the extension of Terrace Street and two new streets. This plan of subdivision was given draft approval by the OMB which has reserved to itself the delegation of formal approval authority of the final plan of subdivision and subdivision agreement.

As one of the conditions of draft approval, the OMB has directed that the applicant apply to have Terrace Street renamed, Condition #73 of the Draft Approval states:

“Prior to final approval the Owner shall make the necessary arrangements with the City and assume the costs to rename Terrace Street from the east limit of this plan to Adelaide Street South”

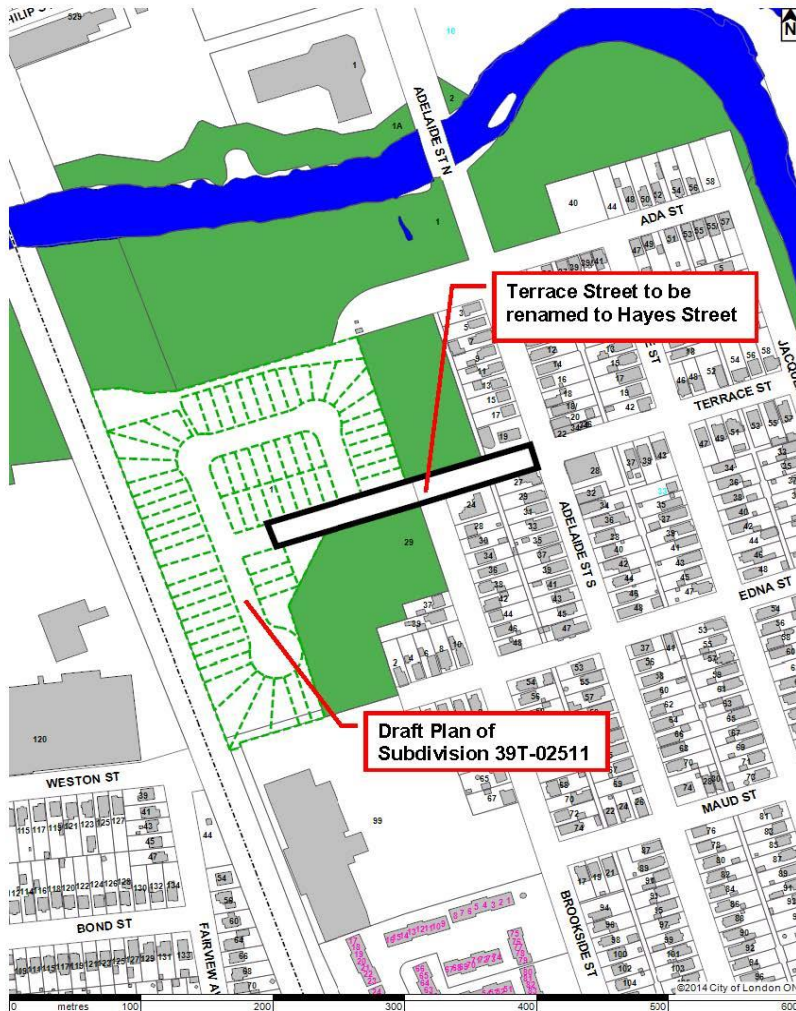
Figure 1, illustrates the current portion of Terrace Street, which has been closed by By-Law S.-1231-674, and is now to be repealed.





MN-8315
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Figure 2 below, illustrates the portion of Terrace Street which is to be renamed to Hayes Street.



It is on the recommendation of staff, that the renaming and passing of the By-laws only be done once the draft plan of subdivision has received final approval from the OMB and the final plan has been registered with the Registry Office.

Public and Agency Consultation

No direct circulation to individual properties was required because no properties are addressed off this section of roadway. A notice of public hearing was advertised in the Londoner on February 15th, 2014 and February 21st, 2014. No responses to the circulation have been received to date.

Comments Received

Agency comments received after the deadline date for this report will be attached to the added communications and will be addressed at Committee if any issues are raised.



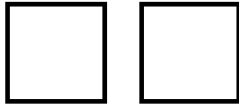
MN-8315
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CONCLUSION

Based on Civic Works Committee directive, Council should proceed to rename "Terrace Street" to "Hayes Street", upon registration of the Plan of Subdivision and that the applicant shall be required to fund the cost of the change at a 100% cost recovery basis, this includes, but is not limited to the cost of the street signs at an approximate cost of \$275.00 per sign plus applicable taxes, cost of registration of all required By-Laws, etc.

PREPARED BY:	RECOMMENDED BY:
FRANK GERRITS SUBDIVISION & CONDOMINIUM DOCUMENTATION COORDINATOR DEVELOPMENT SERVICES	LARRY MOTTRAM SENIOR PLANNER DEVELOPMENT SERVICES
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

LM/fg
 Attach.
 May 13, 2014



MN-8315
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SCHEDULE "A"

Bill No. _____

2014

By-law No. S - _____

A by-law to repeal By-law No. S.-1231-674 entitled "A by-law to stop up and close a portion of the original road allowance for Terrace Street in the City of London as shown on Plan 437."

WHEREAS the Municipal Council of The Corporation of the City of London deems it expedient to reopen Terrace Street as a public street which necessitates that closing By-law No. S.-1231-674 be repealed;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. S.-1231-674 entitled "A by-law to stop up and close a portion of the original road allowance for Terrace Street in the City of London as shown on Plan 437" passed by Council November 18, 1968 is hereby repealed.
2. This By-law comes into force and effect on the day it is passed.

PASSED in Open Council on _____

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –



MN-8315
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SCHEDULE "B"

Bill No. _____

2014

By-law No. S - _____

A by-law to rename the portion of Terrace Street lying west of Adelaide Street South, in the City of London, to Hayes Street.

WHEREAS the Municipal Council of The Corporation of the City of London deems it expedient to rename the portion of Terrace Street lying west of Adelaide Street South in the City of London to Hayes Street;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

2. That portion of Terrace Street lying west of Adelaide Street South shall hereinafter be called and known as Hayes Street, and the name of the said street is hereby changed accordingly:

That portion of Terrace Street lying west of Adelaide Street on Registered Plan 437(C), being all of PIN's 08357-0294(LT) and 08357-0295(LT).

2. This By-law comes into force and effect on the day it is passed.

PASSED in Open Council on _____

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –