

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON MAY 10, 2016
FROM:	JOHN BRAAM, P.ENG. MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	CLOSING OF PART OF CEDARPARK CRESCENT AND KILCREST WAY

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to closing part of Cedarpark Crescent and Kilcrest Way:

- (a) the closing of Cedarpark Crescent lying south of Lot 44 and all of Kilcrest Way on plan 33M-580 **BE APPROVED**; and,
- (b) the Chief Surveyor **BE AUTHORIZED** to initiate the process of legally stopping up and closing that part of Cedarpark Crescent and Kilcrest Way as public highway by By-law, subject to a zoning By-law amendment being approved and the Notice of Provisional Decision of Consent being issued and the expiry of the respective appeal periods in support of the Thames Valley District School Board's proposed development for a new school on vacant lands adjacent to Cedarhollow Boulevard.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Planning and Environment Committee – April 11th, 2016 – Application by: Thames Valley District School Board Portion of 1800 Cedarhollow Boulevard and 776-802 Killarney Road (Cedarhollow Subdivision)

2015-19 STRATEGIC PLAN

The proposed road closing By-law and transfer benefiting the Thames Valley District School Board supports the Strategic Plan through the strategic focus area of *Leading in Public Service* by providing excellent service delivery.

BACKGROUND

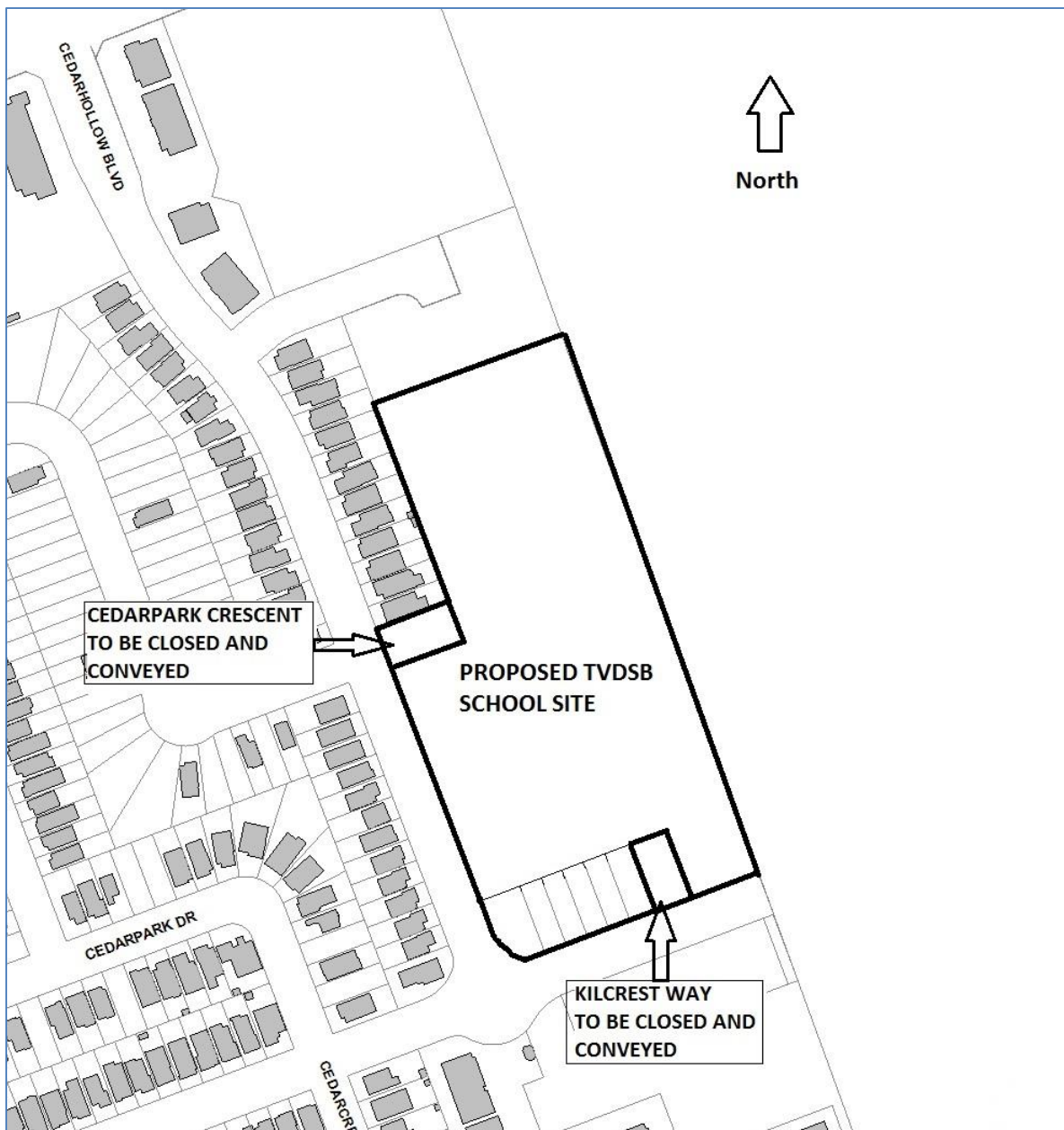
The registration of Subdivision Plan 33M-580 resulted in a number of streets being created and automatically transferred to the City as public highway (i.e. the streets were “dedicated” to the City), including Cedarpark Crescent lying south of Lot 44 and east of Cedarhollow Boulevard, and Kilcrest Way lying north of Killarney Road. These “stub

streets” were intended to facilitate future road connections into abutting lands. However, the developer of 33M-580 has since entered into an agreement to sell the abutting vacant parcel of land to the Thames Valley District School Board for new school site. If the proposed school development is approved, the “stub streets” will no longer be required to support future road connections and will therefore be surplus to the City’s needs.

DISCUSSION

An application has been received on behalf of the Thames Valley District School Board to close and acquire two untraveled “stub streets” created by 33M-580, being Cedarpark Crescent lying south of Lot 44 and east of Cedarhollow Boulevard and Kilcrest Way lying north of Killarney Road which will be incorporated into a proposed new school site.

The stub streets were dedicated to the City as public highway when Plan 33M-580 was registered but they have not been built out, are not publically traveled, and do contain any utilities or City services. If the proposed school development is approved, which is subject to a successful rezoning application and Consent, the stub streets will no longer be required by the City.



In newly registered developments subject to re-design that results in street pattern changes, the City typically re-conveys the streets back to the developer at no cost in support of the revised development. As a prerequisite to reconveyance, the streets must be legally closed as public highway which is the purpose of this report.

The developer of 33M-580, Auburn Developments Inc., has consented to the City conveying the stub streets directly to the TVDSB in support of the proposed school development.

Normally streets that have been laid out by registered plan but have not been built out and formally assumed by the City are closed by Judges Order, but the TVDSB's tight construction timeline requires these streets be closed by By-law in order to expedite the closing and transfer process.

Subject to the streets being closed as public highway, the transfer of lands to the TVDSB will include the two streets together with their associated 0.3 metre reserve blocks being Blocks 149 and 152, on Plan 33M-580. Civic Administration will seek approval for the actual transfer by way of a separate report to be brought forward to the Corporate Services Committee by Realty Services.

CONCLUSION

It is recommended the Cedarpark Crescent lying south of Lot 44 and Kilcrest Way on plan 33M-580 be stopped up and legally closed as public highway and the Chief Surveyor be authorized to bring forward the closing By-law to Council subject to the rezoning amendment being approved and Provisional Decision of Consent being issued and the expiry of the respective appeal periods in connection with the Thames Valley District School Board's proposed school development on Cedarhollow Boulevard, as a prerequisite to being conveyed to the TVDSB.

PREPARED BY:	REVIEWED AND CONCURRED BY:
A. GARY IRWIN, O.L.S., O.L.I.P. CHIEF SURVEYOR AND DIVISION MANAGER, GEOMATICS	EDWARD SOLDO, P.ENG. DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	
JOHN M. BRAAM, P.ENG. MANAGING DIRECTOR ENVIRONMENTAL SERVICES AND CITY ENGINEER	

April 26, 2016
cc: Michael Pease
Bryan Baar