

## Report to Civic Works Committee

**To:** Chair and Members  
Civic Works Committee

**From:** Kelly Scherr, P.Eng., MBA, FEC, Managing Director,  
Environmental & Engineering Services and City Engineer

**Subject:** Huxley Street Closing

**Date:** January 19, 2021

## Recommendation

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer the attached proposed by-law (Appendix 'A') for the purpose of closing part of Huxley Street designated as Part 2 on Plan 33R-20888 **BE INTRODUCED** at the February 2, 2021 Council Meeting, it being noted that subject to the passing and registration of the attached closing by-law in the Land Registry Office, utility easements shall be conveyed to Enbridge Gas, Bell Canada, Rogers Communications and London Hydro and the City will retain a municipal services easement and an easement for public walkway over the lands to be conveyed.

## Executive Summary

This report recommends the registration of a by-law permanently closing the northerly portion of the untravelled Huxley Street road allowance prior to it being sold to the abutting owners in accordance with a Council Resolution dated April 17, 2000. Despite the passage of time the resolution is still binding. Since the intent of the resolution can be fully complied with to the satisfaction of all parties involved, Civic Administration supports the closing request.

## Linkage to the Corporate Strategic Plan

Municipal Council's 2019-2023 Strategic Plan identifies "Building a Sustainable City" and "Growing our Economy" as strategic areas of focus. The recommendation in this report will support development while maintaining an active transportation mobility connection.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

- Environment and Transportation Committee report April 10, 2000

#### 1.2 Binding Resolution

Further to the above noted report submitted to the Environment and Transportation Committee, the following resolution was approved by Municipal Council at their meeting held on April 17, 2000:

2. That, on the recommendation of the Commissioner of Environmental Services & City Engineer, the following actions be taken with respect to the closing of part of Huxley Street:

- a) the closing of the portion of Huxley Street adjacent to 101 and 107 Base Line Road West **BE APPROVED**;
- b) the closed portion of the street **BE SOLD** to the abutting owners for an amount to be determined by the Board of Control on the recommendation of the Commissioner or Legal Services & City Solicitor; and

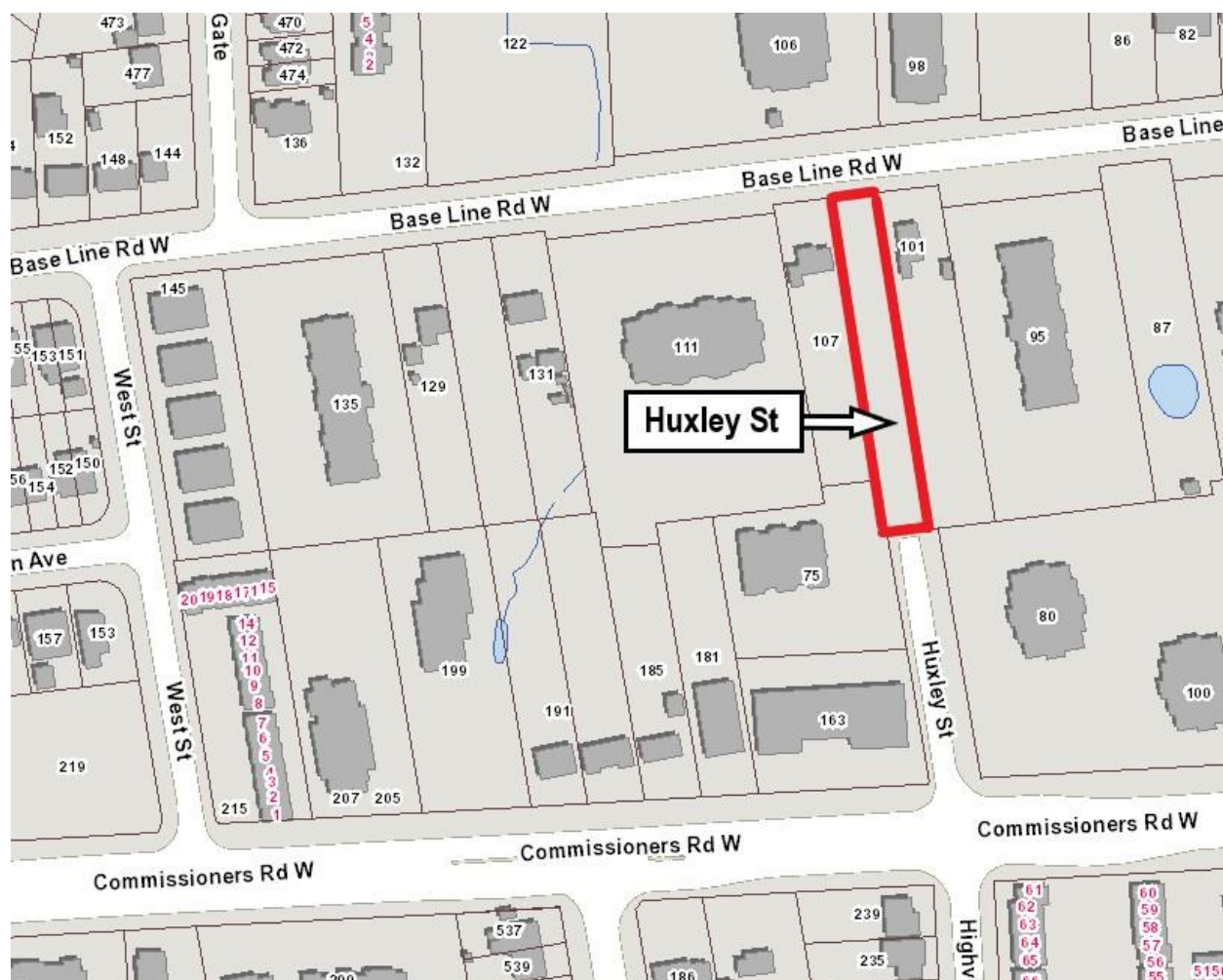
c) Alan R. Patton, the solicitor for the applicants Mr. R. Saad and Ms. L. Kozman BE APPOINTED as the City's Solicitor for the purpose of obtaining the necessary Court Order on the following terms and conditions:

- i. all costs associated with the closing, including conveyancing, being borne by the applicants;
- ii. the applicants agreeing that the conveyance of the closed street will be subject to the retention by the City of a 10 foot strip for a walkway to connect the southerly portion of Huxley Street to Base Line Road West;
- iii. the applicants agreeing that the conveyance of the closed street will be subject to easements for existing sewers and watermain, for Bell Canada and Union Gas services and, depending on the results of the required survey, for London Hydro; and
- iv. the applicants and their solicitor agreeing that the application to the Court for closing shall be made in accordance with the City Street and Lane Closing Procedure. (67.3.3) (2/8/ETC)

Notwithstanding that the resolution was not previously acted upon, it remains in effect and is binding as written.

With the exception of the existing pedestrian walkway that connects the southerly travelled portion of Huxley Street to Base Line Road West, the road allowance is not travelled by motorized vehicle, nor is it required as a road connection since there are alternative road links close by.

### 1.3 Location Map



## 2.0 Discussion

Bluestone Properties recently advised the City that they are planning to acquire the properties known municipally as 101 and 107 Base Line Road West for a proposed development. In order to support their development plans, Bluestone requires the Huxley Street road allowance that is situated between the two properties.

Bluestone have advised the City of their intention to exercise their right to acquire the road allowance as per the terms of the April 17, 2000 council resolution subject to first acquiring title to the abutting properties. In accordance with the said resolution, the City is moving forward with the first step in the process which is to permanently close the Huxley road allowance as public highway as originally intended.

Due to the passage of time and other considerations some changes will be required:

- The City's current Street and Lane Closing procedure no longer supports highway closings by Court Order, but rather by municipal by-law. Hence the purpose of this report, which is for Council to approve the attached closing by-law in Appendix 'A'.
- The fact that the property owners have changed from when the resolution was originally passed does not invalidate the resolution. The intent was to convey the road allowance to the abutting owners, which will be satisfied.
- In addition to the utility easements identified in the original resolution, Rogers Communications has also requested easement rights to the closed road allowance. This change is inconsequential to the intent of the resolution.
- In lieu of the City retaining a ten foot (3 metre) wide strip of land for the existing walkway, the entire road allowance will be conveyed but an easement for public usage will be retained. This will ensure the walkway will be protected, but also provide an option to relocate the walkway to a more advantageous location through the site plan approval process subject to the approval of Transportation Planning and Design.

None of these changes substantially change the intent of the original resolution and the Legal Department has advised that the City can proceed to close and convey the road allowance based on these amended terms and remain in compliance with the original resolution.

The closing and sale will not affect the public since the walkway will be protected, though its location may be modified through the site plan review process. Civic Administration including the Legal Department, Transportation Planning and Design and Development Services are fully supportive of the closing and sale and of the road allowance which will ultimately lead to more efficient land use.

Once the Huxley road allowance has been legally closed by By-law, the conveyance of the land to Bluestone based on fair market value will be the subject of a report by Realty Services to the Corporate Services Committee.

## 3.0 Financial Impact

There are no significant cost implications to the City to close the road allowance by By-law. Bluestone is responsible for all costs including providing the required reference plan, their legal fees and for cost to purchase the lands as recommended by Realty Services.

## Conclusion

The original April 17, 2000 resolution to close and sell the Huxley Street road allowance was not previously acted upon. However, the resolution is binding and can still be complied with. Therefore it is recommended the attached closing By-law be approved in accordance with the resolution's intent. The road allowance is not required for public transportation purposes other than the pedestrian walkway which will be retained. The actual conveyance of the road allowance will be the subject of a future report put forward by Realty Services to the Corporate Services Committee.

**Prepared by:** A. Gary Irwin, OLS, OLIP, Manager of Geomatics and City Surveyor

**Submitted by:** Doug MacRae, P. Eng., MPA, Director, Roads and Transportation

**Recommended by:** Kelly Scherr, P. Eng., MBA, FEC, Managing Director, Environmental and Engineering Services and City Engineer

**Attachment:** Appendix A, Proposed Closing Bylaw

**c:** M. Pease, Development and Compliance Services  
B. Warner, Realty Services

## Appendix A

Bill No. \_\_\_\_  
2021

By-law No. S.- \_\_\_\_\_

A by-law to stop up and close Huxley Street  
south of Base Line Road West

WHEREAS it is expedient to stop up and close Huxley Street south of  
Base Line Road West in the City of London;

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

1. Huxley Street shall be stopped up and forever closed and cease to be and  
form public highway:

Part of Huxley Street (formerly John Street) on Registered Plan 193(C)  
designated as Part 2 on Plan 33R-20888 in the City of London and County  
of Middlesex.

2. The lands comprising the said street hereby stopped up and closed shall  
continue to be vested in the Corporation of the City of London to be dealt with from time  
to time as the Council of the Corporation of the City of London may see fit and deem  
proper.

PASSED in Open Council on \_\_\_\_\_.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second Reading –  
Third Reading –