Report to Civic Works Committee

To: Chair and Members

Civic Works Committee

From: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager,

Environment & Infrastructure

Subject: Closing part of Upper Canada Crossing

Date: May 31, 2022

Recommendation

That on the recommendation of the Deputy City Manager, Environment & Infrastructure, the following actions **BE TAKEN** with respect to the closing of part of Upper Canada Crossing:

- (a) the closing of Upper Canada Crossing abutting Lots 24 & 25 on Plan 33M-624 **BE APPROVED**, and
- (b) the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held on June 14, 2022, for the purpose of closing part of Upper Canada Crossing.

it being noted that subject to the passing and registration of the attached closing bylaw in the Land Registry Office, the City will retain a municipal services easement over the road allowance and reserve Block 186, 33M-624 for a watermain, and for the purposes of prohibiting the erection of any structures on the subject lands.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of "Building a Sustainable City" by closing a street which is no longer needed for public use and transferring ownership to support a proposed apartment and townhouse development.

Analysis

1.0 Background Information

The easterly leg of Upper Canada Crossing north of Raleigh Boulevard was established by Plan 33M-624 and was intended to provide a road link to the undeveloped lands to the north of the subdivision on the presumption those lands would also be developed as a residential subdivision. However, the owner and developer of those lands is now proposing an apartment and townhouse development which eliminates the need for the City to retain the stub as a public street and allows it to be transferred to the developer as a private entrance to the development. As a prerequisite to the conveyance the street must first be legally closed as public highway, which is the purpose of this report.

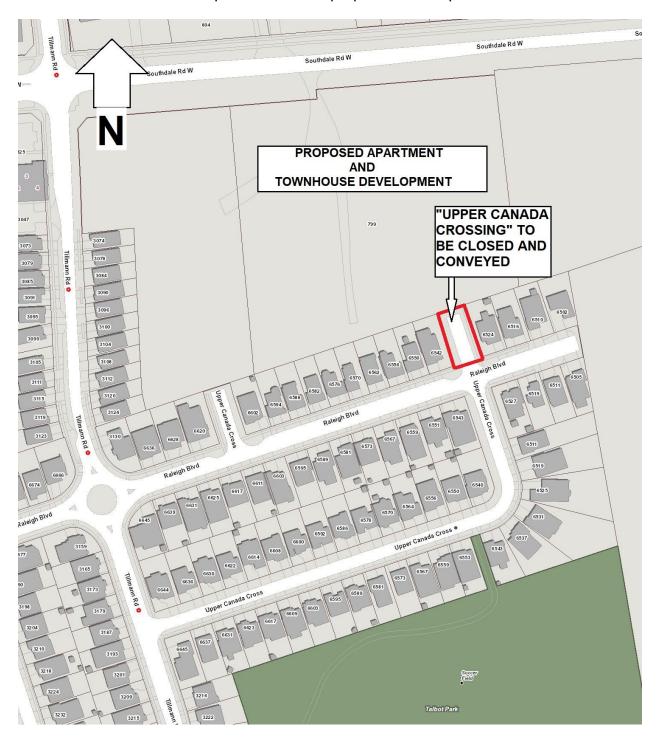
2.0 Discussion and Considerations

Southside Construction Management Limited, the owner of the undeveloped lands lying north of 33M-624 known municipally as 799 Southdale Road West, has submitted a site plan application for an apartment and townhouse development. The site plan layout includes a sharp bend at the point of connection from Upper Canada Crossing to the internal road system and the lack of a "hammer-head" turnaround will make it difficult for

City maintenance vehicles to safely navigate with larger snow ploughing equipment.

Consequently, Transportation Engineering requires the subject portion of Upper Canada Crossing to be closed and conveyed to the developer which transfers responsibility for maintenance.

In support of this, Southside Construction has applied to close and purchase the subject street so that it can be incorporated into the proposed development.



The section of Upper Canada Crossing to be closed is not used for public travel and the flanking lots are serviced from Raleigh Boulevard so will not be affected by the closing. As requested by the two abutting property owners, no structures will be allowed to be erected on the road allowance to preserve its characteristics as a streetscape. Essentially, the net effect will be to convert a public street into a private entrance.

When the land is conveyed to the developer the City will retain a "no-build" easement for the watermain as well as to prohibit the erection of any structures on the road allowance such as entrance features. The existing streetlight will be disconnected, and

the sanitary sewer stub will be transferred to the developer along with the road allowance lands.

Once the closing bylaw has been passed and registered on title, Realty Services submit a report to the Corporate Services Committee formerly declaring the street as surplus land and authorizing its conveyance to the developer.

3.0 Financial Impact/Considerations

The closing and conveyance of the subject portion of Upper Canada Crossing will have no financial impact on the City.

Conclusion

The change in development of the abutting lands from residential subdivision to a private apartment and townhouse complex eliminates the need for the City to retain the east leg of Upper Canada Crossing for public use. Moreover, the design of the development creates safety issues for the City's Transportation and Mobility road operations staff. It is therefore recommended that the street be stopped up and closed as public highway so that it can be conveyed and incorporated into the proposed apartment and townhouse development.

Prepared by: A. Gary Irwin, O.L.S., O.L.I.P. Division Manager,

Geomatics and City Surveyor

Submitted by: Jennie A. Dann, P. Eng., Director, Construction &

Infrastructure Services

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager,

Environment & Infrastructure

May 5, 2022

Attach: Appendix A: By-law to close part of Upper Canada Crossing

copy: Michael Pease

Bryan Baar Dhaval Harpal

APPENDIX A: By-law to close part of Upper Canada Crossing

Bill No.

First Reading – Second Reading – Third Reading –