

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Anna Lisa Barbon, Deputy City Manager, Finance Supports

Subject: Declare Surplus - City Owned Closed Road Allowance
Upper Canada Crossing

Date: August 22, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to a closed public highway described as part of Upper Canada Crossing, abutting Lots 24 and 25, Plan 33M-624, and a one foot reserve being Block 186, Plan 33M-624 (the “Subject Property”), the following actions be taken:

- a) the subject property **BE DECLARED SURPLUS**; and
- b) the subject property **BE TRANSFERRED** to Southside Construction Management Limited.

Executive Summary

This report recommends that part of the easterly road stub of Upper Canada Crossing that was recently closed be declared surplus and be transferred to Southside Construction Management Limited as part of a future private driveway connection for the development at 799 Southdale Road West.

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 the aforementioned strategic areas by declaring the subject land surplus and eliminate maintenance costs and liability risks associated with owning a parcel of land that is no longer useful to the City, through transferring ownership to support a proposed apartment and townhouse in accordance with the City’s Sale of Other Disposition of Land Policy.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

May 31, 2022 – Report to Civic Works Committee – Closing Part of Upper Canada Crossing.

1.2 Summary

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 (799 Southdale Road West) is now proposing an apartment and townhouse development (Site Plan Application - SPA21-043) 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.

At its June 14, 2022 meeting, Municipal Council approved the resolution and passed the motion for the purpose of closing part of Upper Canada Crossing:

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law, as appended to the staff report dated May 31, 2022, 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 above-noted by-law 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. (2022-T09) (2.3/8/CWC)

The road closing by-law (Bill No. 244 2022 By-law No. S.-6183-168) was registered on title on July 15th 2022 (Instrument No. ER1477308).

2.0 Discussion

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 (Site Plan Application - SPA21-043). 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. The closed subject portion of Upper Canada should now be conveyed, including the 1 ft reserve being Block 186, to the developer which transfers responsibility for maintenance and operation.

The closed section of Upper Canada Crossing is not used for public travel and the flanking lots are serviced from Raleigh Boulevard and are not 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.

2.1 Surplus Declaration and Transfer

The Subject Property is surplus to the needs of the City and should therefore be declared surplus and subsequently transferred to Southside Construction Management Limited for nominal consideration. Transferring the property to the developer would relieve the City from future maintenance and liability.

As part of the transfer noted above, the City would retain a combined services easement over the entire Subject Property to protect our access to the City owned and operated watermain and to ensure that no structures can be built on the property to protect the streetscape characteristics as requested by the abutting owners.

3.0 Benefits to the City

By declaring the Subject Property surplus, the future maintenance and repair obligations would be the responsibility of the developer saving the City future costs on this. The existing streetlight and sanitary sewer stub would also be transferred passing the responsibility on to the developer. The watermain land rights would remain protected in-perpetuity.

4.0 Financial Impact

There are no significant cost implications to the City to declare the property surplus.

Conclusion

The City's typical practice is to re-convey the unneeded land to the developer in-order to have the land properly incorporated into a new site plan or plan of subdivision. The property has been recently closed by resolution and bylaw.

Declaring the land surplus and transferring the property to the developer will provide a private access to new development while releasing the City from future maintenance and liability. The City will retain a municipal services easement for the watermain.

A Location Map of the subject property is shown as Appendix A.

An Aerial of the Subject property is shown as Appendix B

The Reference Plan depicting the subject property is shown as Appendix C.

Prepared by: Adam Ostrowski, Manager II, Realty Services

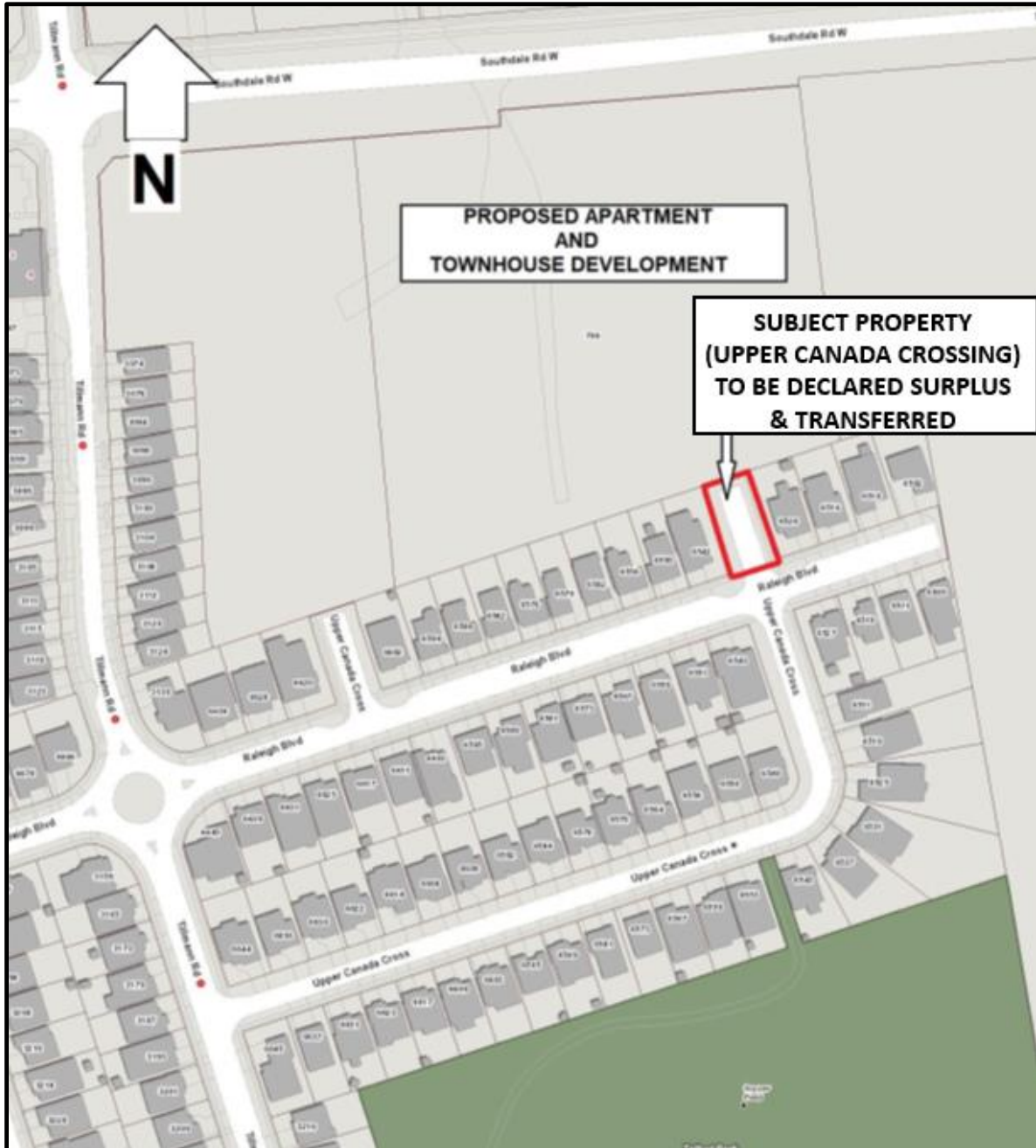
Submitted by: Bill Warner, AACI, Papp, Director, Realty Services

Recommended by: Anna Lisa Barbon, CPA, CGA, Deputy City Manager,
Finance Supports

cc: Gary Irwin, Division Manager and Chief Surveyor, Geomatics
Sachit Tataavarti, Solicitor
Kelly Scherr, P.ENG., MBA, FEC Deputy City Manager, Environment and Infrastructure

August 5, 2022

Appendix A - Location Map



Appendix B - Aerial of Subject Property



Appendix C - Reference Plan of Subject Property

