

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 Emerson Avenue Cul-de-sac

Date: September 13, 2022

Recommendation

That on the recommendation of the Deputy City Manager, Environment & Infrastructure, the following actions **BE TAKEN** with respect to the closing of the Emerson Avenue cul-de-sac:

- (a) the closing of the Emerson Avenue cul-de-sac on Registered Plan 914 **BE APPROVED**, and
- (b) the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held on September 27, 2022, for the purpose of closing the Emerson Avenue cul-de-sac,

it being noted that any future conveyance of the close road allowance will be subject to the retention of a combined services easement for storm and sanitary sewers.

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 development.

Analysis

1.0 Background Information

The Emerson Avenue cul-de-sac was established by Registered Plan 914 and provided frontage for several lots known municipally as 229, 230, 233 and 238 Emerson Avenue. The lots were never developed or built upon and the road allowance lies unused. The abutting lots have since been acquired by 1028198 Ontario Limited.

2.0 Discussion and Considerations

An application has been received on behalf of 1028198 Ontario Limited to close and purchase the unused Emerson Avenue cul-de-sac so that it can be incorporated into their abutting lands in support of a proposed indoor sports facility. As a prerequisite to the conveyance, the street must first be legally closed as public highway, which is the purpose of this report.

The road allowance is not publicly travelled and is not needed by the City for future public use. There are no utilities impacted by the closing, though any conveyance will be subject to the retention of a sanitary and sewer easement over a portion of the road allowance.

Subject to the closing bylaw being approved, Realty Services will bring forward a report to the Corporate Services Committee recommending the cul-de-sac be declared surplus and for approving a purchase and sale agreement.

3.0 Financial Impact/Considerations

The closing of the Emerson Avenue cul-de-sac has no financial impact on the City and the terms of the sale will be the subject of the separate report from Realty Services.



Conclusion

The Emerson Avenue cul-de-sac was never used or assumed as a public road allowance and the abutting lots that it was intended to serve were never built upon. The owner of those lots, 1028198 Ontario Limited, has applied to close and purchase the cul-de-sac to the lands can be incorporated into a proposed indoor sports facility. Since the road allowance is not publicly travelled and is not needed by the City, it is recommended the cul-de-sac be stopped up and closed as public highway so that it can be conveyed to the abutting property owner.

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

August 9, 2022

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

Copy: Bryan Baar
Sachit Tatavarti

APPENDIX A: By-law to close the Emerson Avenue cul-de-sac

Bill No.

By-law No. S - _____

A By-law to stop up and close the Emerson Avenue cul-de-sac.

WHEREAS it is expedient to stop up and close the Emerson Avenue cul-de-sac on Registered Plan 914 in the City of London;

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

1. Emerson Avenue cul-de-sac shall be stopped up and forever closed and cease to be and form public highway:

Emerson Avenue on Registered Plan 914 designated as Parts 1 and 2 on plan 33R-21319 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 may see fit and deem proper.

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

PASSED in Open Council on _____

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –