



**City of Kingston  
Report to Council  
Report Number 19-057**

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<b>To:</b>	<b>Mayor and Members of Council</b>
<b>From:</b>	<b>Peter Huigenbos, Acting Commissioner, Community Services</b>
<b>Resource Staff:</b>	<b>Julie Salter-Keane, Community Projects Manager</b>
<b>Date of Meeting:</b>	<b>March 5, 2019</b>
<b>Subject:</b>	<b>Stop Up and Close and Declare Surplus a Portion of Napier Street, and Rename Napier Street to Napier Street North and Napier Street South</b>

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**Executive Summary:**

At their November 15, 2016 meeting, Council considered the possibility of closing a portion of Napier Street in order to connect an existing public park with a future public park. Council passed a motion directing staff to examine the implications to traffic and local residents of closing Napier Street between Brock Street and Mack Street to motor vehicle traffic and report back with options.

Staff retained a consultant to examine the implications to traffic. Staff also researched implications with respect to parking, emergency services and environmental requirements, and public consultation was also completed. Three options for consideration were developed based on the input received from staff and the public, and were presented to Council for consideration on July 11, 2017 ([Report Number 17-183](#)). Council approved the closure of Napier Street between Brock Street and Mack Street, with a budget of up to \$80,000 to complete the closure and transfer of a 6 to 9 metre wide portion of Napier Street to 244 Mack Street to create a new driveway entrance.

This report recommends a number of necessary items so that staff may finalize the closure of Napier Street:

- A by-law to permanently stop up and close the portion of Napier Street between Brock Street and Mack Street;
- Declaring surplus the land that will be transferred to the owners of 244 Mack Street and authorizing the Mayor and Clerk to execute the agreements necessary to transfer the land; and

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- A by-law to rename the remaining portions of Napier Street to Napier Street North and Napier Street South.

**Recommendation:**

**That** the by-law attached as Exhibit D to Report Number 19-057 be presented to Council to permanently stop up and close a portion of Napier Street between Brock Street and Mack Street, legally described as Part of Napier Street, Plan 171, Lying North of Johnson Street and South of Carruthers Avenue, Plan 171, Designated as Parts 1 and 2 on Reference Plan 13R-21947; City of Kingston, County of Frontenac; and

**That** Council declare surplus to municipal need and dispose of a portion of Napier Street between Brock Street and Mack Street legally described as Part 2 on Reference Plan 13R-21947; City of Kingston, County of Frontenac; and

**That** Council authorize the Mayor and Clerk to execute all necessary agreements to effect the transfer of title of Part 2 on Reference Plan 13R-21947 to the owners of the abutting property, 244 Mack Street, to the satisfaction of the Director of Legal Services and in accordance with the recommendation endorsed by Council on July 11, 2017; and

**That** Council approve the by-law, attached as Exhibit E to Report Number 19-057, "Draft By-Law to Rename Napier Street to Napier Street North, north of Mack Street and to Napier Street South, south of Brock Street".

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**Authorizing Signatures:**

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**Peter Huigenbos, Acting Commissioner,  
Community Services**

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**Lanie Hurdle, Acting Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Jim Keech, President & CEO, Utilities Kingston

Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer

Deanne Roberge, Acting Commissioner, Corporate & Emergency Services

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**Options/Discussion:**

In August 2016, the City purchased 671 Brock Street, the former St. Joseph/St. Mary Catholic School, from the Algonquin and Lakeshore Catholic District School Board.

In June 2017, Council approved the sale of the southeastern portion of the site to Kingston & Frontenac Housing Corporation for the development of affordable and market housing. Later on, Council approved the north and southwestern portions of the former school property to be retained by the City for public park use.

In July 2017, Council approved the closing of Napier Street between Brock Street and Mack Street and the transfer of a portion of Napier Street in order to create a driveway entrance for 244 Mack Street. The recommendation endorsed by Council was as follows:

**That** Council approve the closure of Napier Street and the transfer of a portion of Napier Street in order to create a driveway entrance for 244 Mack Street it being understood that:

- a portion of the existing Napier Street right-of-way will be added to the adjacent property located at 244 Mack Street, a width of six to nine metres, to extend the southerly limit of the subject property;
- the southern portion of Napier Street will be closed and the asphalt will remain in place;
- access to the unopened street will be blocked with bollards; and
- approximate cost to transfer a portion of Napier Street to the owners at 244 Mack Street for a driveway entrance is \$60,000 - \$80,000.

The intent of closing the street was to connect Churchill Park with the former school property. Public engagement opportunities were held in the summer of 2018 where two design concepts were presented for the future park space within the Napier Street/former St. Joseph/St. Mary school site as well as a selection of playground and recreational options. Construction of the park space is expected to start in late 2019. The park concept plan is shown in Exhibit A.

As noted in the above Council approval, a portion of the road allowance needs to be transferred to the abutting property owner because the residential home at 244 Mack Street has its garage and driveway accessed at the rear of the lot, off of Napier Street. This issue was identified in the July 2017 report ([Report Number 17-183](#)) and the report indicated that the details of the design to solve the problem were still to be worked out with the property owners of 244 Mack Street. Staff worked with the property owners to discuss and explore several alternatives. The initial designs focused on a long driveway from Mack Street all the way back to the existing garage. During the discussions, the property owners expressed interest in pursuing an option which would allow them to construct a new garage facing Mack Street. Comments received from members of the public during the public engagement process for the park concept also included similar suggestions that offered this type of alternative as a preferred option.

The property owners were interested in a two car garage to replace the function of their existing single car garage. City staff had conceptual design drawings completed and concluded that a new two car garage and short driveway accessed from Mack Street was feasible within a 7 metre wide addition to their property.

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An agreement with the property owners of 244 Mack Street has been reached. The City will remove the road asphalt and concrete sidewalk from the 7 metre wide strip of land to be transferred, and will compensate the owners for the replacement value of their single car garage. The owners will be responsible for constructing the new two car garage at their expense, expected to take place during 2019. The City is responsible for paving the new driveway, placing sod, installing a fence around the new property boundary and installing a new sidewalk on Mack Street abutting the 7 metre wide strip. The City's obligations can be achieved within the \$80,000 budget. The final land configuration is shown in Exhibit B.

It was identified through the design process that a minor variance will be required for the new garage. The application for minor variance will recognize the current rear yard setback of the existing accessory structure, the aggregate side yard width with the proposed new detached garage and the increased lot coverage for the two accessory structures. This application will be considered by the Committee of Adjustment on March 18, 2019.

### **Renaming of Napier Street**

The purpose of the road renaming is to comply with the Civic Addressing and Road Naming By-Law and emergency service requirements. On July 11, 2017, Council approved proceeding with the closure of Napier Street between Brock Street and Mack Street. With the closure between Brock Street and Mack Street, the north and south portions of Napier Street become disconnected and will no longer be a through street. Emergency services staff have advised that the permanent closure becomes a potential issue with respect to providing a timely emergency response to residential properties along the two separate portions of Napier Street. In order to provide consistency and to eliminate potential confusion, it is proposed that Napier Street be renamed to Napier Street North, north of Mack Street and Napier Street South, south of Brock Street. Six residential properties front on the northern portion of Napier Street and thirty-two residential properties front on the southern portion of Napier Street. Emergency service providers have confirmed that the renaming of Napier Street to Napier Street North and Napier Street South will support the effective delivery of emergency services and will alleviate potential confusion.

The existing civic numbers and postal codes for the affected properties will remain unchanged. The impacted property owners were formally notified of this road name change. The proposed renaming is shown on Exhibit C. At the time of writing this report, there were no concerns raised by the public or Napier Street owners regarding the road name change.

New signage will be required to be installed at the appropriate locations along Napier Street to indicate Napier Street North and Napier Street South.

### **Next Steps**

The minor variance application for the new garage construction has been submitted and is scheduled for March 18, 2019. Pending a successful result, the City expects to physically block Napier Street to vehicle traffic in April with the use of temporary barricades. Pedestrians and cyclists will continue to have access through or around the barriers. At this time, a contractor will remove the asphalt from the portion of the roadway that is being transferred to 244 Mack Street. The remaining asphalt on Napier Street will remain in place as much of it will be incorporated

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into the new park design including a multiuse path from Mack Street to Brock Street. Garage construction at 244 Mack Street is expected in late spring/early summer of 2019. The final park design will be completed in 2019 and construction will likely commence in late 2019.

**Existing Policy/By-Law:**

Council approved proceeding with the closure of this block of Napier Street, and a transfer of a portion to the owners of 244 Mack Street in its direction/approval in July 2017. The recommendations in this report will allow that Council approval to take effect.

In order to close a road, Council must pass a by-law to stop and close. In order to transfer property, the property must be declared surplus to municipal need.

The by-law currently governing road naming in the City of Kingston is By-Law Number 2005-98, "A By-Law to Direct the Orderly Addressing of Buildings and Properties and Appropriate Naming of Roads Within the City of Kingston".

**Notice Provisions:**

The City's Public Notice Policy requires that notice be published two weeks in advance of the proposed meeting date in which Council considers the permanent closure of a highway and the declaration of said property as surplus to municipal need. The advertisement for the stop up and close the road and declare surplus was published on February 15, 2019 on the City's public notice webpage.

The City's Public Notice Policy requires that notice be published on the City's website and in the newspaper two weeks in advance of the proposed meeting date in which Council considers changing the name of a local highway. The advertisement for the change of name was published in the newspaper on February 13, 2019 and on February 12, 2019 on the City's public notice webpage.

Notice was also provided by mail to all property owners on Napier Street.

The July 11, 2017 Council meeting satisfied the notice requirements of the Municipal Class Environmental Assessment for the "Retirement of Existing Road and Road related Facilities".

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

The costs to decommission the road allowance within the portion of land to be transferred to the owners of 244 Mack Street, and the costs to transfer the lands are within the 2019 approved capital budget of \$80,000 for the Real Estate & Environmental Initiatives Department. The costs to rename the portions of Napier Street are also included in this budget.

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Additional works in the remaining closed portion of Napier Street will be conducted within the budget for the overall park enhancements for Churchill Park, anticipated to start in 2019 and to be completed in 2020.

**Contacts:**

Peter Huigenbos, Acting Commissioner, Community Services 613-546-4291 extension 3148

Julie Salter-Keane, Community Projects Manager 613-546-4291 extension 1163

**Other City of Kingston Staff Consulted:**

Paige Agnew, Director, Planning, Building & Licensing Services

Luke Follwell, Director, Recreation & Leisure Services

Mark Campbell, Director, Engineering, Engineering Services

Bill Linnen, Director, Public Works Services

Ted Posadowski, Chief Fire Prevention Officer, Fire & Rescue

Mary Rae, Senior Legal Counsel, Legal Services

**Exhibits Attached:**

Exhibit A Napier Street Park Concept Plan

Exhibit B Reference Plan, 13R-21947

Exhibit C Key Map – Road Renaming

Exhibit D Draft By-Law to Stop Up and Close Napier Street from Brock Street to Mack Street

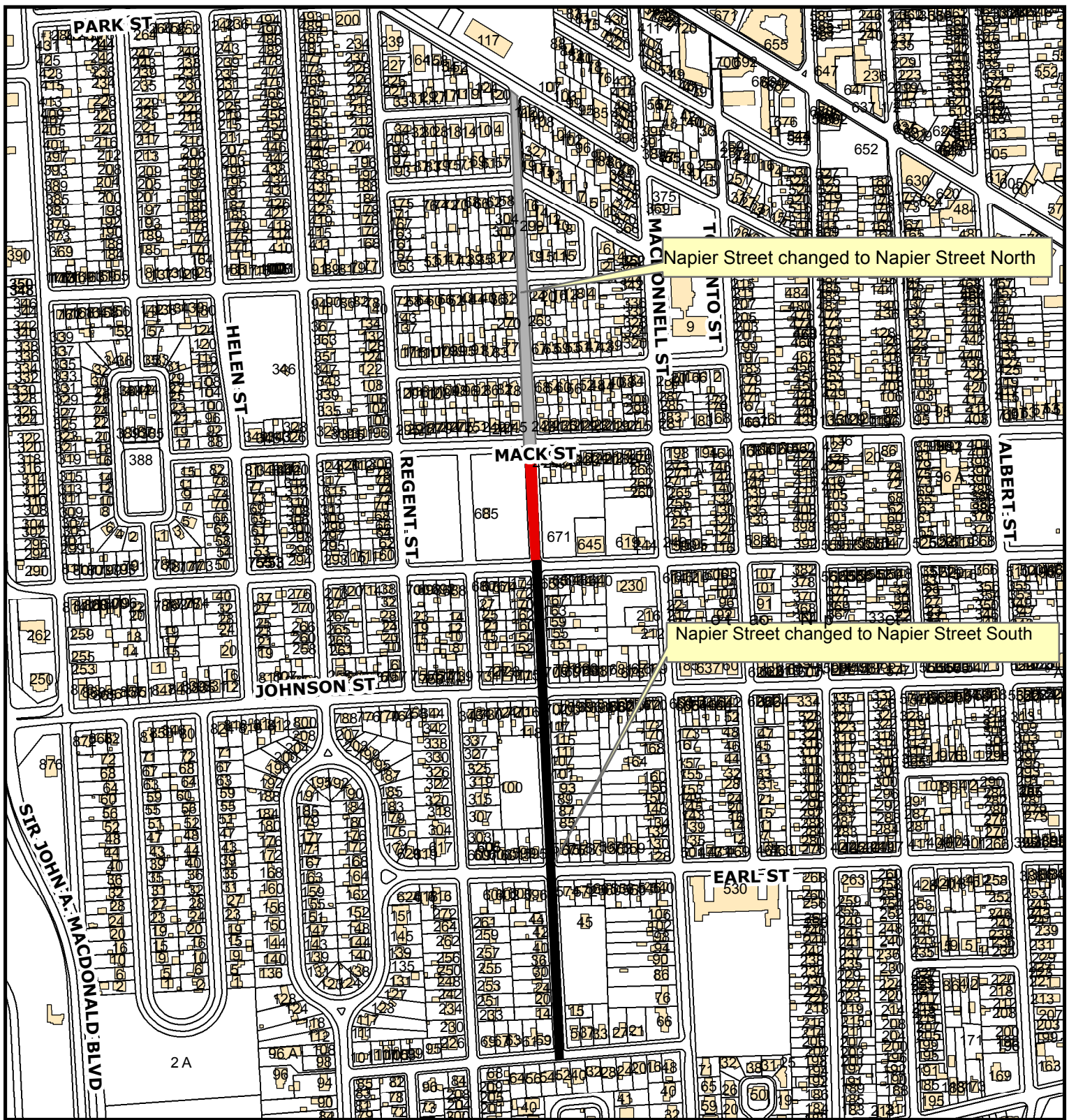
Exhibit E Draft By-Law to Rename Napier Street to Napier Street North and Napier Street South

## Park Concept Plan







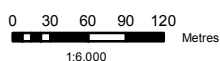


Planning, Building  
& Licensing Services

a department of  
Community  
Services

## KEY MAP

### Renaming of Napier Street



## LEGEND

- Road Portion changed to Napier Street North
- Road Portion changed to Napier Street South
- Portion of Napier Street to be closed
- Property Boundaries



PREPARED BY: J. Partridge  
DATE: 2/6/2019

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## **By-Law Number 2019-XX**

**A By-Law to Permanently Stop up and Close a Portion of the Highway  
described as Part of Napier Street between Brock & Mack Streets  
Registered Plan Number 171, shown as Part 1 and Part 2 on 13R-21947.**

**Passed:** Meeting date, 2019

**Whereas** Section 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, permits municipalities to pass by-laws in respect of highways when the highway is under the jurisdiction of Council;

**And whereas** the Council of the Corporation of the City of Kingston deems it necessary to pass a by-law to permanently close part of a highway;

**And whereas** public notice of Council's intention to permanently close a portion of the highway described as Part of Napier Street between Brock & Mack Streets Registered Plan Number 171, shown as Part 1 and Part 2 on 13R-21947 was published on February 5, 2019 on the City of Kingston's public notices webpage in accordance with the City of Kingston's "Public Notice Policy";

**Therefore be it resolved that** the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. The portion of the highway described as Part of Napier Street between Brock & Mack Streets Registered Plan Number 171, shown as Part 1 and Part 2 on 13R-21947, shall be permanently closed.
2. That a copy of this by-law be registered in the Frontenac Land Registry Office (No. 13).
3. That this by-law shall come into force and take effect on the date of its registration.

Given First and Second Readings Month xx, 2019

Given Third Reading and Passed Month xx, 2019

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**

**By-Law Number 2019-\_\_**

**A By-Law to Approve the Renaming of a Portion of an Existing Municipal Road from  
Napier Street to Napier Street North, City of Kingston, County of Frontenac**

**Passed: [Meeting Date]**

**Whereas** the *Municipal Act*, 2001, S.O. 2001, c. 27, as amended (the “Act”) provides that municipalities may pass by-laws respecting highways, which also include all road allowances, streets and lanes shown on a registered plan of subdivision; and

**Whereas** the City of Kingston has passed and enacted By-Law Number 2005-98, the City of Kingston Civic Addressing and Street Naming By-Law in accordance with the terms of the *Municipal Act*, 2001, S.O. 2001, c. 27, as amended; and

**Whereas** public notice of Council’s intention to pass this by-law has been published in the newspaper as prescribed in the City of Kingston Public Notice Policy 2015;

**Now Therefore** the Council of The Corporation of the City of Kingston enacts as follows:

1. That the municipal road shown as Napier Street be renamed to Napier Street North, north of Mack Street and Napier Street South, south of Brock Street;
2. Schedule ‘A’ attached hereto shall form part of this by-law; and
3. This by-law shall come into force and take effect on the date of its passing.

**Given First and Second Readings**

**Given Third Reading and Passed**

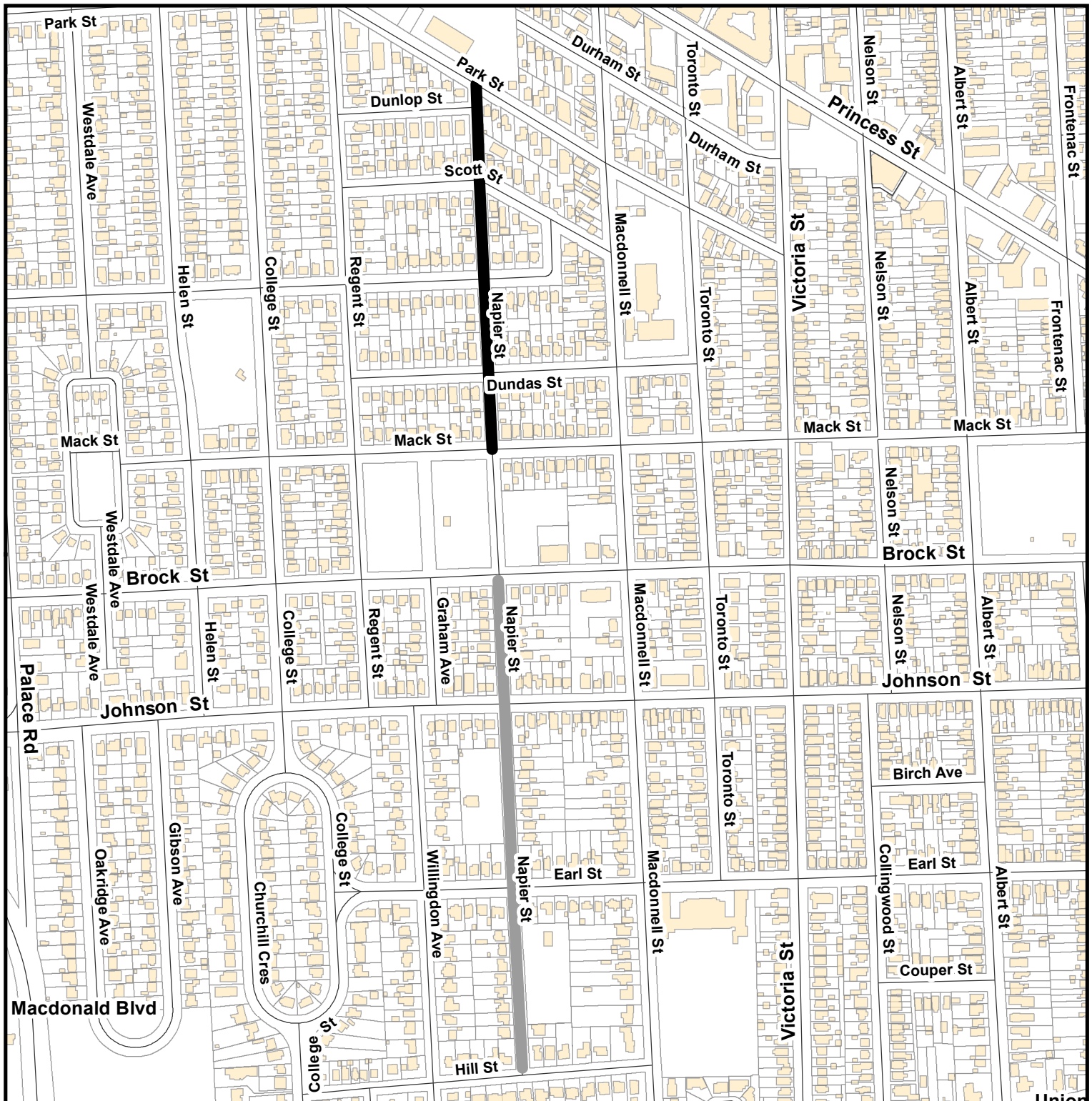
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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**







Planning, Building  
& Licensing Services  
a department of  
Community  
Services

## SCHEDULE 'A' TO BY-LAW NUMBER

Applicant: City of Kingston  
Administrative Amendment  
Location: Napier Street

### Legend

-  Road Portion to be Renamed from Napier Street to Napier Street North
-  Road Portion to be Renamed from Napier Street to Napier Street South

### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_,  
passed this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

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1:6,000



PREPARED BY: A. Dowker  
DATE: 2019-02-26

Mayor

Clerk