



**City of Kingston
Report to Council
Report Number 19-172**

To: Mayor and Members of Council
From: Peter Huigenbos, Acting Commissioner, Community Services
Resource Staff: Same
Date of Meeting: July 9, 2019
Subject: Close, Declare Surplus and Transfer – Unopened Road Allowance Known as Bluenose Street

Executive Summary:

In 2001, the City was given land for two potential public roads leading from the River's Edge subdivision development to a neighbouring property that has now become Riverview subdivision. Based on land use planning and transportation network needs, only one of these road allowances is now required for vehicular traffic.

This report recommends that the Bluenose Street road allowance be declared surplus and given to the developer of the Riverview subdivision in exchange for the completion of several offsite public infrastructure works, including a multi-use path for active transportation and the design and construction of a public road on Waterside Way.

It is recommended that the by-law be given all three readings at the July 9, 2019 Council meeting to facilitate the timely approval of the final phase of the Riverview Subdivision.

Recommendation:

That the draft by-law, "A By-Law to Permanently Stop Up and Close the Highway Known as Bluenose Street on Plan 13M-34, City of Kingston being all of PIN 36262-0654", attached as Exhibit B to Report Number 19-172, be given all three readings; and

That the City retain a portion of Bluenose Street and the abutting portion of the one foot reserve known as Block 87 on Plan 13M-34, City of Kingston shown on Exhibit A to Report Number 19-172, for the construction of a public walkway; and

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That Council declare surplus to municipal need and dispose of the balance of Bluenose Street and Block 87 on Plan 13M-34, City of Kingston; and

That the Mayor and Clerk be authorized to execute all necessary agreements and other documents as may be required to transfer the balance of Bluenose Street and Block 87 on Plan 13M-34, to Taggart Construction for \$1.00 and as per the conditions in this report, and transfer the daylight triangles to the adjacent owners at 37 and 43 Schooner Drive for \$1.00, all in a form satisfactory to the Director of Legal Services.

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Authorizing Signatures:



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



**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	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	
Deanne Roberge, Acting Commissioner, Corporate Enterprise Services	

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Options/Discussion:

The City is the owner of two unconstructed road allowances given to the City by Braebury Homes Corporation (Braebury) in 2001 as part of the development of the River's Edge subdivision. In 2001, there was uncertainty as to whether or not these road allowance lands would be required to connect to the adjacent property that was not owned by Braebury. Braebury was not permitted to build homes on these road allowance lands and transferred them to the City at no cost as part of the subdivision approval process. Several years later, the design and planning approvals of the neighbouring Riverview subdivision, owned by Taggart Construction (Taggart), have established that a road connection via Waterside Way is needed, but no road connection is needed on Bluenose Street (Exhibit A).

The approved Riverview subdivision design changes mean that the lands originally transferred to the City for Bluenose Street can now be modified into a multi-use path connecting Schooner Drive with Halloway Drive. The remaining lands can accommodate one single home building lot. The 80 metre portion of Waterside Way given by Braebury must now be designed and constructed as a public road and sidewalk, including underground service mains. This portion of Waterside Way is beyond the limits of Taggart's Riverview subdivision.

Staff recommend that the newly created building lot on the Bluenose lands be given to Taggart in exchange for Taggart completing a number of construction projects outside the boundary of its subdivision. These projects include relocating the water main in the former Bluenose Street lands, constructing the multi-use public path in the Bluenose Street lands, installing utility service laterals to the building lot, and the design and construction of the 80 metre long stretch of Waterside Way south of Schooner Drive, leading to the Taggart subdivision.

River's Edge subdivision has been complete for a number of years and the City has issued to Braebury a Final Certificate of Approval of the Works and has assumed the existing built roads in the subdivision. Taggart is mobilized nearby, building out its subdivision phases. Taggart has agreed to complete the works at its cost.

The cost of the above-noted work to be completed by Taggart is estimated at nearly \$400,000. The estimated value of the building lot to be exchanged is \$150,000 to \$175,000. Staff recommends transferring the building lot to Taggart in exchange for the completion of all the necessary works.

There are also two sight triangles from the Bluenose Street lands that are no longer required. Staff recommend that these sight triangles be given to the adjacent private home owners at 37 and 43 Schooner Drive to square off their lot frontage. Staff have discussed this proposal with each homeowner.

It is recommended that the by-law be given all three readings at the July 9, 2019 meeting of Council. The City has expedited discussion between the developers to resolve this matter prior to City approval of the final phase of the Riverview subdivision. Construction of Waterside Way is expected to start in the summer of 2019 in order to facilitate the building permits of 120 residential lots in Riverview Subdivision Phases 4 and 5.

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The transfer of the lot to Taggart will occur once Waterside Way is constructed and open to public traffic.

Existing Policy/By-Law:

The City's Disposition of Real Property Policy requires land to be declared surplus and sold at fair market value unless it is in the best interest of the municipality to do otherwise. The proposed transfer to Taggart is in exchange for Taggart's commitment to complete a significant amount of offsite construction, the cost of which exceeds the estimated value of the lot.

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 closure of a road allowance and the declaration of said property as surplus to municipal need. The advertisement for closing the road and declaring it surplus was published on June 4, 2019 on the City's public notice webpage. As of the writing of this report, there have been no objections received regarding the public notice.

Accessibility Considerations:

Not applicable.

Financial Considerations:

Not building a road on the Bluenose Street lands saves the City the immediate and long term costs of maintaining, repairing and replacing the road. The infill construction of a home on the new lot will result in new property taxes.

Contacts:

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

Other City of Kingston Staff Consulted:

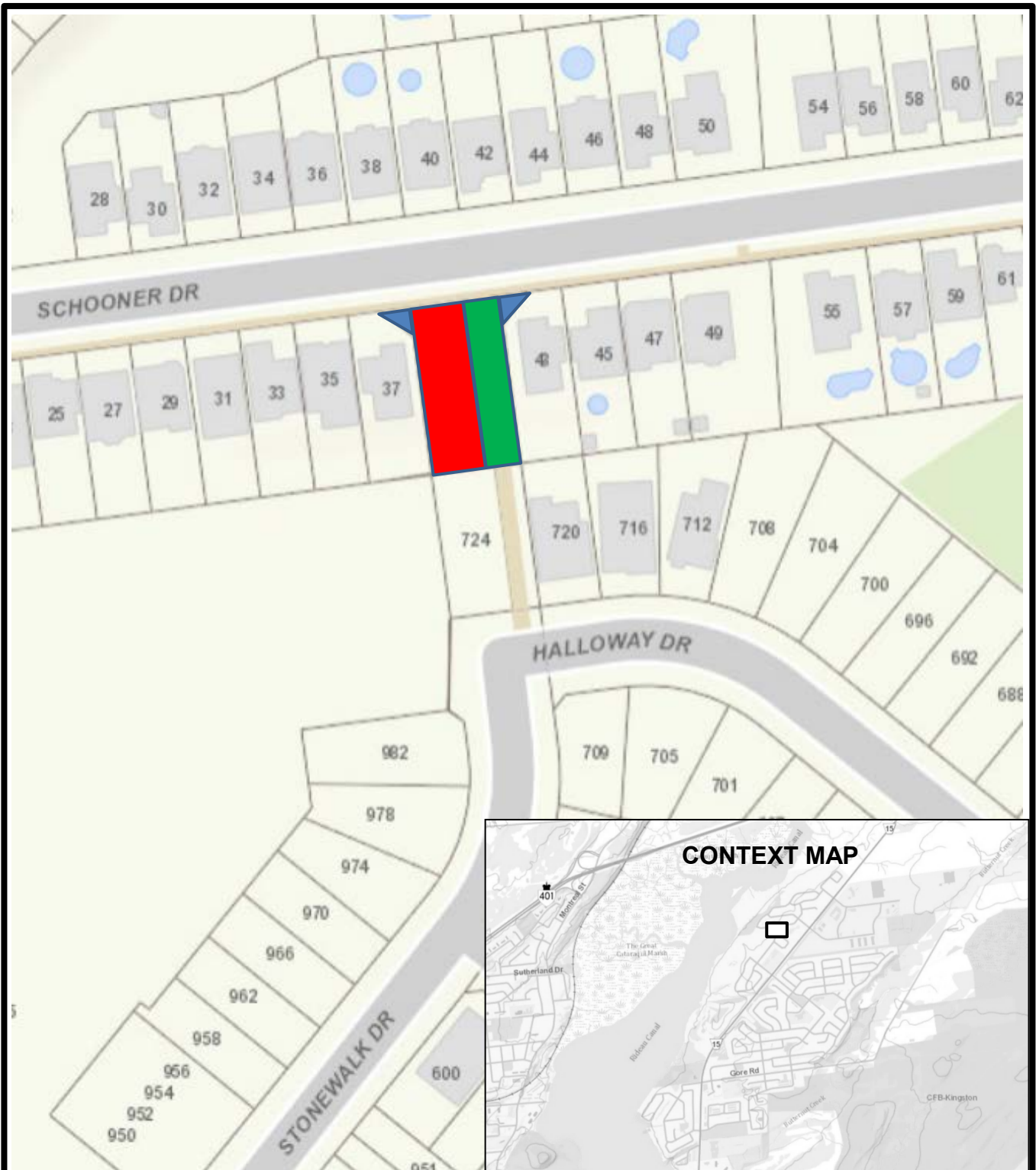
Tyler Lasko, Manager, Design & Development, Engineering Services

Jenna Morley, Associate Legal Counsel, Legal Services

Exhibits Attached:

Exhibit A Site Sketch and Location Map

Exhibit B Draft By-Law to Permanently Close and Stop up the Highway Known as Bluenose Streeton Plan 13M34, City of Kingston (PIN 36262-0654)



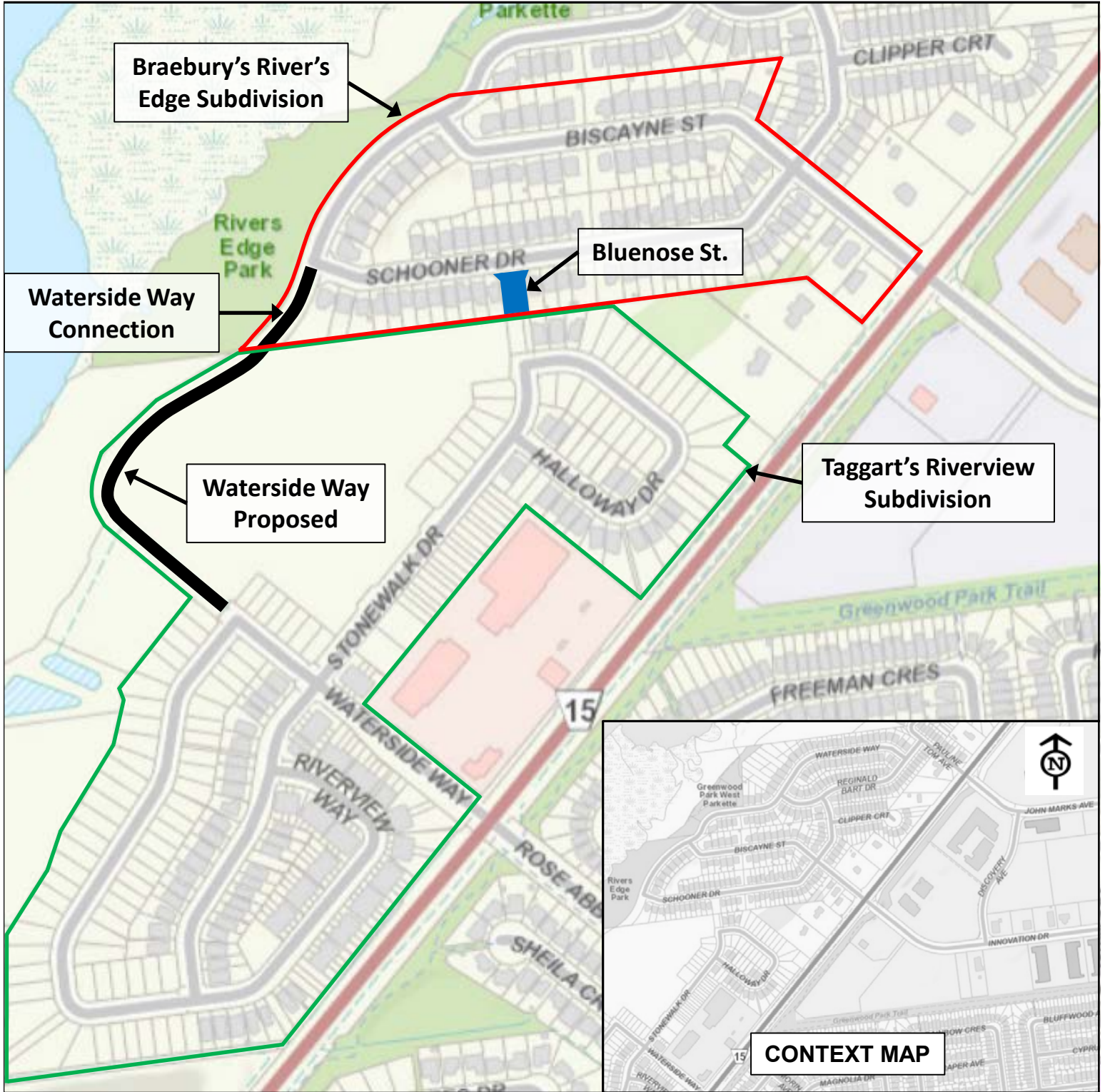
**Close, Declare Surplus and Transfer
Unopened Bluenose Street**

LEGEND:

- Parcel returned to developer
- City owned pathway
- Site triangle



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By-Law Number 2019-XX

**A By-Law to Permanently Stop Up and Close the Highway Known as
Bluenose Street on Plan 13M-34, City of Kingston, being all of PIN
36262-0654**

Passed: July 9, 2019

Whereas Sections 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, permit 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 the highway;

And whereas public notice of Council's intention to permanently stop up and close, Bluenose Street on Plan 13M-34, City of Kingston being all of PIN 36262-0654, was published on June 4, 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 highway known as Bluenose Street on Plan 13M-34, the City of Kingston being all of PIN 36262-0654 shall be permanently closed.
3. That a copy of this by-law be registered in the Frontenac Land Registry Office (No. 13).
4. This By-Law shall come into force and take effect on the date of its registration.

Given all Three Readings and Passed: [Meeting date]

John Bolognone
City Clerk

Bryan Paterson
Mayor