



**City of Kingston  
Report to Council  
Report Number 19-238**

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**To:** Mayor and Members of Council  
**From:** Peter Huigenbos, Acting Commissioner, Community Services  
**Resource Staff:** Kathy Gray, Acting Manager, Real Estate  
**Date of Meeting:** September 3, 2019  
**Subject:** Permanently Close a Portion of Unopened Road Allowance at  
1422 Woodbine Road

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**Executive Summary:**

Pursuant to Township of Kingston By-Law Number 84-30, the former Township of Kingston conveyed a portion of an unopened road allowance to the owner of 1422 Woodbine Road on July 4, 1984. The road was not formally closed at the time it was conveyed to the owner, resulting in the municipality retaining an unintended interest in the property. The property was recently offered for sale at which time the title defect was discovered. The new owners have requested that the City formally close the road allowance to release its interest in the lands and correct title.

**Recommendation:**

**That** the by-law attached as Exhibit B to Report Number 19-238 be presented to Council to permanently close part of the Original Road Allowance between Mile Square Lot Concession 2 and Lot 2 Concession 3 (Western Addition), designated as Part 1 on Reference Plan 13R-4969, City of Kingston; and

**That** Council declare surplus to municipal need and dispose of part of the Original Road Allowance between Mile Square Lot Concession 2 and Lot 2 Concession 3 (Western Addition), designated as Part 1 on Reference Plan 13R-4969, City of Kingston; and

**That** Council authorize the Mayor and Clerk to execute all necessary agreements or documents to correct title to the property municipally known as 1422 Woodbine Road, to the satisfaction of the Director of Legal Services.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Interim 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 Services	Not required

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**Options/Discussion:**

Pursuant to Township of Kingston By-Law Number 84-30, the former Township of Kingston conveyed a portion of an unopened road allowance (Exhibit A) to the owner of 1422 Woodbine Road on July 4, 1984. The road was not formally closed at the time it was conveyed to the owners, resulting in the municipality retaining an unintended interest in the property. The property was recently offered for sale and in July 2019, the solicitor for the new owners discovered the issue in the course of a title review. The new owners have requested that the City formally close the road allowance to release its interest in the lands and correct title.

Staff consulted with internal departments to confirm that interest in the road allowance was not intentionally retained for any reason and that it could be closed and declared surplus as originally intended by the former Township of Kingston.

Once the by-law is passed to permanently close the road allowance, the by-law will be registered on title and the City will apply under Section 75 of the *Land Titles Act* to correct the parcel register by releasing any interest of the City in the property.

**Existing Policy/By-Law:**

The City's "Policy on the Disposition of Real Property" requires that prior to selling land, including closed road allowances, Council must declare the property surplus to municipal need. Notwithstanding that the municipality transferred title to private ownership in 1984; the City still retains an interest that must be disposed of.

**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 surplus was published on August 20, 2019 on the City's public notice webpage.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

In consideration of the municipal error in granting title, there will be no compensation paid for the road allowance, nor any fees charged to the owner of 1422 Woodbine Road for this transaction.

**Contacts:**

Kathy Gray, Acting Manager, Real Estate, Real Estate & Environmental Initiatives 613-546-4291 extension 2429

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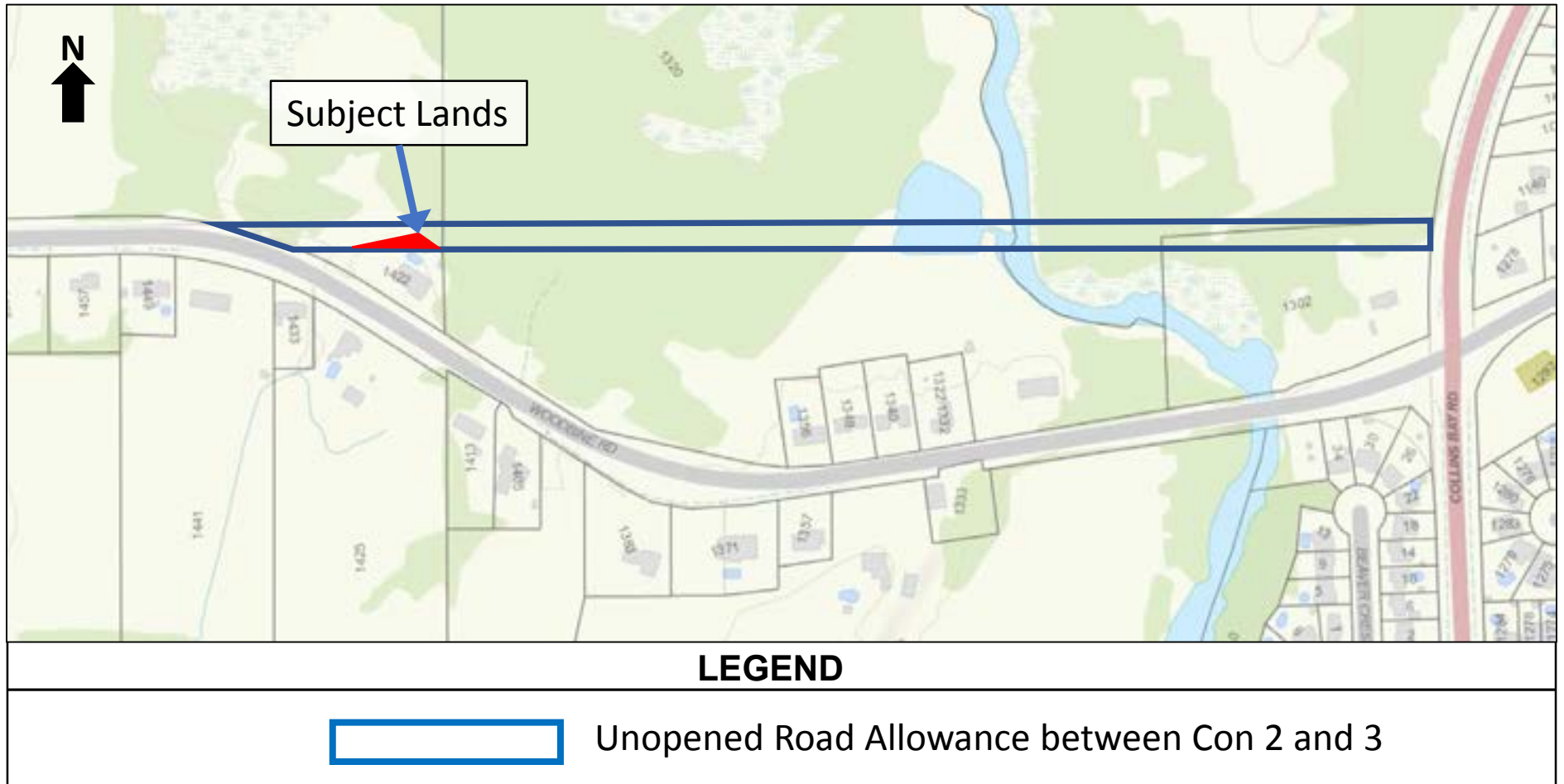
**Other City of Kingston Staff Consulted:**

Tyler Lasko, Manager, Design & Development, Engineering Services

**Exhibits Attached:**

Exhibit A Site Sketch

Exhibit B Draft By-Law to Permanently Close a Portion of Unopened Road Allowance at 1422 Woodbine Road



**By-Law Number 2019-XX**

**A By-Law to Permanently Close a Portion of the Highway described as Part of the Original Road Allowance between Mile Square Lot Concession 2 and Lot 2 Concession 3 (Western Addition), designated as Part 1 on Reference Plan 13R-4969, City of Kingston**

**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 the Original Road Allowance between Mile Square Lot Concession 2 and Lot 2 Concession 3, designated as Part 1 on Reference Plan 13R-4969, City of Kingston was published on August 20, 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 the Original Road Allowance between Mile Square Lot Concession 2 and Lot 2 Concession 3, designated as Part 1 on Reference Plan 13R-4969, City of Kingston, shall be permanently closed.
2. That a copy of this by-law be registered in the Frontenac Land Registry Office (No. 13).
3. This By-Law shall come into force and take effect on the date of its registration.

Given First and Second Readings: [Meeting Date]

Given Third Reading and Passed: [Meeting Date]

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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor