



**City of Kingston
Information Report to Council
Report Number 17-101**

To:	Mayor and Members of Council
From:	Jim Keech, President and CEO, Utilities Kingston
Resource Staff:	Mark Van Buren, Director of Engineering
Date of Meeting:	March 21, 2017
Subject:	Information Report – Road Widening Cataraqui Street

Executive Summary:

Council has sought clarification from staff as to whether the By-law dedicating Part 3 on Reference Plan 13R-20924 as public highway (Cataraqui Street) as included on the February 21, 2017 Council agenda is in contravention of the following motion approved by Council at the Tuesday March 3, 2015 meeting of Council:

That expenditures towards the acquisition of land and construction of the Wellington Street Extension (WSE) southern section (from Montreal/Railway Sts. to Bay St.) be halted effective immediately, until further direction from council; and

That staff be requested to prepare a comprehensive report for the March 24, 2015 Council meeting that provides factual information of all aspects directly or indirectly related to the Wellington Street Extension including but not limited to, the Official Plan, the Transportation Master Plan, the Development Charges Background Study and By-Law, the Employment Land Review, the K & P Trail Project, the Doug Fluhrer Park visioning exercise and property interests such as 9 North St., for the purposes of informing decisions and to provide full transparency on the matter; and

That staff be requested to report back to council in May 2015 with the scope of work, timelines and budget required to explore other potential alternative transportation solutions in place of the Wellington Street Extension and address current and future traffic flows in the area to further inform council on the matter; and

That the staff analysis of potential alternative transportation solutions in place of the Wellington Street Extension be presented within a demonstrated framework of and in accordance with the principles and values contained in the Official Plan, the Kingston Sustainability Plan, the Parks and Recreation Master Plan, and the Kingston Climate Action Plan.

March 21, 2017

Page 2 of 6

This information report is provided to Council to outline key events culminating in the request for three readings of a by-law to dedicate Part 3 on Reference Plan 13R-20924 as public highway at the meeting of Council on February 21, 2017. The chronology of events will confirm that the passing of the By-law dedicating Part 3 on Reference Plan 13R-20924 as public highway (Cataraqui Street) will not be in contravention of the motion given that acquisition of the lands for a future Wellington Street road corridor was approved by Council in 2014 and the motion of Council to suspend land purchases occurred in 2015.

Recommendation:

This report is for information only.

March 21, 2017

Page 3 of 6

Authorizing Signatures:

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON

Jim Keech, President & CEO, Utilities Kingston

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Commissioner, Community Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

March 21, 2017

Page 4 of 6

Options/Discussion:

At the Council Meeting of April 15, 2014, Council reported out from closed session and approved an agreement to purchase road corridor lands (Wellington Street Extension) within 5 Cataraqi Street. Key to the agreement were two conditions. One condition included by the seller of the lands required the City to also purchase the adjacent property known as 305-323 Rideau Street as the seller would not sell only the road corridor lands. A plan of the lands is attached as Exhibit "A". In turn the City included a further condition that the seller be required to demolish all the buildings on the 305-323 Rideau Street property, including a house (323 Rideau Street) and the former broom factory building (305 Rideau Street). Both buildings were confirmed at that time as not being listed or designated heritage buildings. This in effect changed the scope of the original direction by Council to acquire the lands for a future road corridor.

At a Special Meeting of Council held on June 30, 2014, in response to concerns expressed by members of the community, Council passed a motion to amend the terms of the City's Agreement to purchase 305-323 Rideau Street so that the requirement of the seller to demolish the existing brick building, formerly the Bailey Broom Factory, be removed from the Agreement. At this time Council also provided direction to staff to conduct a heritage assessment of the former broom factory and sell 305-323 Rideau Street by the end of 2016.

As per the process for selling surplus lands, Real Estate and Land Development sought input from other City departments to determine if there were any municipal needs related to those lands to be sold. Engineering staff noted that Cataraqi Street, which is the flankage of the parcel, was deficient in width in this location and that any lands that would assist in reducing that deficiency should be retained. Cataraqi Street is significantly substandard in width at 12.32m (typical local right of way width is 20 metres) therefore a part could be created on a survey (i.e. reference plan) to make an improvement to the width without impacting any land on which the building sits. Also, since the land was purposely purchased for a future road corridor, a portion was also defined for a site triangle. It is common practice through planning applications and land transactions to acquire or retain lands for street widening and intersection improvements where the City's right of way is deficient. As a result, the City prepared a reference plan 13R-20924, which is attached as Exhibit "B", which created Part 3 for the purposes of road widening. Part 3 is less than 1 metre wide. Part 3 also includes a sight triangle at the easterly end that measures approximately 5.0m on Cataraqi Street and 8.0m along the east property line of the Broom Factory parcel (Part 2). A site triangle is commonly included as part of the municipal right-of-way at intersections throughout the City to protect sight lines for motorists at intersections. If the proposed Wellington Street Extension is constructed, the site triangle included in Part 3 would benefit the northwest quadrant of the intersection. If the Wellington Street Extension is not constructed, the site triangle is redundant and remains part of the Cataraqi Street right-of-way. The land transaction was completed in August, 2014 making the City the owner of 5 Cataraqi Street as well as 305-323 Rideau Street. In summary 5 Cataraqi Street is represented as Parts 1, 4, 5, 6 and 7 on 13R-20924 in Exhibit "B", being the road corridor, and 305-323 Rideau Street is represented as Parts 2 and 3 on 13R-20924 in Exhibit "B". Part 2 was to be declared surplus and Part 3 was to be retained by the City for road widening purposes and therefore a public right of way.

March 21, 2017

Page 5 of 6

At the September 20, 2016 Council Meeting, Council declared surplus to municipal need and disposed of Part of Lot 13 on Registered Plan B-3, City of Kingston, more particularly described as Part 2 on Plan 13R-20924, being 0.276 hectares of land municipally described as 305-323 Rideau Street. The lands were then sold to RAW Factory Inc. RAW Factory Inc. is a Toronto-based architectural firm which was the lone respondent to the City's Request for Proposals to purchase and restore the broom factory building.

Given the purchase of the lands by RAW it was deemed appropriate by staff to proceed with the dedication of Part 3 as public right of way. This would provide legal access to Cataraqui Street for the lands purchased by RAW as well as water and sewer servicing to the property from Cataraqui Street. The process for dedication of lands as public highway is approved by Council in By-Law 2006-116 "A By-Law To Delegate Various Approvals To Staff And To Adopt Certain Procedures For The Processing Of The Assumption Of Public Works And The Dedication Of Highways, Lanes And Walkways Including The Release Of Easements, Blocks And Lots In The City Of Kingston." It stipulates that the Director of Engineering is to advise the district Councillor in which the lands are contained that there will be a by-law presented to Council to dedicate the lands and that the district councillor can request a report if there are concerns. It also requires the Director of Engineering to notify all of Council through the Friday Council Update that the by-law will be on the upcoming council agenda. This provides an opportunity for a member of Council to seek clarification from staff in advance of the meeting or separate it from the agenda and ask questions at the meeting.

The district Councillor was notified of the proposed land dedication on January 31, 2017. Hearing no concerns from the district Councillor, the following by-law was placed on the February 21, 2017 Council agenda and posted to the City's website on February 16th.

"A By-Law To Establish Part 3 On Reference Plan 13R-20924 As Part Of The Public Highway Known As Cataraqui Street In The City Of Kingston, In Accordance With Section 31 (4) Of The Municipal Act, Chapter 25, S.O. 2001, As Amended Three Readings Proposed No. 2017-52, Delegated Authority."

This chronology of events confirms that the passing of the By-law dedicating Part 3 on Reference Plan 13R-20924 as public highway (Cataraqui Street) will not be in contravention of the motion given the lands were acquired in August 2014 and the motion by Council to suspend land purchases occurred in 2015.

Existing Policy/By-Law:

By-Law No 2006-116 "A By-Law To Delegate Various Approvals To Staff And To Adopt Certain Procedures For The Processing Of The Assumption Of Public Works And The Dedication Of Highways, Lanes And Walkways Including The Release Of Easements, Blocks And Lots In The City Of Kingston."

Notice Provisions:

Not required.

March 21, 2017

Page 6 of 6

Accessibility Considerations:

This report will be provided in an accessible format.

Financial Considerations:

No financial considerations for this information report.

Contacts:

None

Other City of Kingston Staff Consulted:

Kimberley J. Brown, Manager of Infrastructure and Development, 613-546-4291 Ext. 3132

Peter Huigenbos, Director of Real Estate and Environmental Initiatives, 613-456-4291 Ext. 3148

Susan Nicholson, Director of Legal Services and City Solicitor, 613-546-4291 Ext. 1293

Exhibits Attached:

Exhibit A – Location plan

Exhibit B – Part of Reference Plan 13R-20924



