



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 13-329

TO: Mayor and Members of Council

FROM: Cynthia Beach, Commissioner, Corporate & Strategic Initiatives

RESOURCE STAFF: Carola Bomfim Lima, Manager, Project Development

DATE OF MEETING: October 1, 2013

SUBJECT: Declare Surplus Block 4 Lands and Stop Up and Close Portions of King Street and Queen Street and Declare Surplus

EXECUTIVE SUMMARY:

The City intends to declare all of the block bounded by Ontario Street to the east, Queen Street to the south, King Street to the west and The Tragically Hip Way to the north (Block 4) surplus and sell the property. The property is surplus to municipal requirements.

A portion of Block 4 is occupied by the Kingston Hydro substation (in the designated heritage building at 27 Queen Street) and ownership of this portion of the block is intended to be transferred to Kingston Hydro Corporation. Surveys of this building have also confirmed that two portions of the road allowance on King Street and Queen Street, respectively, are located under the existing Kingston Hydro Substation building. These are being recommended for closure. It is further recommended to declare these two portions surplus and to include them with the land of the adjacent Kingston Hydro Substation property for transfer to Kingston Hydro Corporation. The substation and adjacent properties are required to Kingston Hydro to provide electric infrastructure.

The balance of the site, including the 19 to 23 Queen Street buildings, is intended to be sold for development through a two stage Request for Proposal process. Municipal requirements for public parking will be included as a condition for the redevelopment. The municipality is not required to own the public parking as part of the redevelopment

RECOMMENDATION:

THAT the by-law attached as Exhibit B to Report 13-329, be presented to Council to stop up and close and declare surplus a portion of King Street and Queen Street road allowance

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described as Part 3 and 4 on the reference plan 13R-20712 as depicted in Exhibit A to Report 13-329; and

THAT the by-law attached as Exhibit C to Report 13-329 be presented to Council to declare surplus the portion of King Street and Queen Street road allowance described as the land known as "Block 4" described as Part 1, 2, 5, 6, 7 on the reference plan 13R-20712 as depicted in Exhibit A;

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER _____ Cynthia Beach, Commissioner, Corporate & Strategic Initiatives
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	√
Denis Leger, <i>Transportation, Facilities & Emergency Services</i>	√
Jim Keech, <i>President and CEO, Utilities Kingston</i>	√

(N/R indicates consultation not required)

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BACKGROUND:

Pursuant to Council direction on November 20, 2012, to proceed with the process of declaring the Block 4 lands surplus, the following steps have now been completed:

1. Preparation and registration of an updated plan, identifying the appropriate parts in anticipation of sale and redevelopment of the site, and transfer of the Kingston Hydro substation building and adjacent laneway access to Kingston Hydro Corporation.
2. A report to the Municipal Heritage Committee (MHC-13-011) addressed the matter of declaring the designated heritage buildings on Block 4, 19-23 Queen Street, surplus and also provided an outline of the work to be undertaken by the heritage consultant retained by the City. This work includes developing specific requirements with regard to the preservation of these important heritage assets. It was also recommended that City staff prepare amendments to the heritage designations of 19-23 Queen Street, based on the comprehensive research done by the heritage consultant, and that staff prepare a heritage easement prior to the sale of these properties.
3. A Potential Surplus Property notice was circulated to City Departments.
4. Public Notice was given regarding the intent to declare the Block 4 lands surplus.

As a result of the updated property survey prepared, it was confirmed that small slivers of road allowance on King Street and Queen Street are located under the existing Kingston Hydro substation building (part 3 and 4 on the registered plan - see Exhibit A). These portions of the road allowance are recommended for closure. It is further recommended to declare these portions surplus and include these lands when title to the adjacent Kingston Hydro substation and access laneway is transferred to Kingston Hydro Corporation to allow the building to operating separately as a part of the hydroelectric infrastructure in the downtown area.

The survey of Block 4 also determined that the entry steps for the 19 to 23 Queen Street buildings encroach onto the road allowance slightly (parts 8, 9 and 10 on the registered plan – see Exhibit A). This encroachment will be dealt with through an encroachment agreement.

The remaining parts (parts 1, 6, and 7 on the registered plan – see Exhibit A) will be included in the lands of Block 4 that will be sold for redevelopment through a two stage Request for Proposals process.

EXISTING POLICY/BY LAW:

In order to declare land surplus and to stop up and close a portion of road allowance by By-Law, Council must first provide public notice of the City's intent according to the Public Notice Policy. Public notice has been provided according to the Policy.

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NOTICE PROVISIONS:

A public notice advising of Council's intent to stop up and close and declare lands surplus was provided in the Kingston Whig-Standard on September 7 and 10, 2013.

ACCESSIBILITY CONSIDERATIONS:

This report and related information is available in alternative formats upon request.

FINANCIAL CONSIDERATIONS:

The cost of notice and survey fees will be paid from the approved capital budget for North Block Redevelopment.

CONTACTS:

Carola Bomfim Lima, Manager, Project Development	613-546-4291 ext. 1250
Cynthia Beach, Commissioner, Corporate & Strategic Initiatives	613-546-4291 ext. 1150

OTHER CITY OF KINGSTON STAFF CONSULTED:

Alan McLeod, Senior Legal Counsel, Legal Services
Jim Miller, Director, Utilities Engineering
Mark Van Buren, Director, Engineering Services
Speros Kanellos, Director, Facilities Management & Construction Services
Shirley Bailey, Manager, Heritage & Urban Design
Grant Bain, Director, Planning & Development

EXHIBITS ATTACHED:

Exhibit A - Plan 13R-20712
Exhibit B - By-Law to Stop-Up and Close and Declare Surplus
Exhibit C - By- Law to Declare Surplus

SCHEDULE			
PART	LOT	PLAN	PIN
1	1,2,11,12,13,14,53,54,55,56		BEING PART OF PIN 36044-0117(LT)
2,5	53,56		
3	KING ST.	O.S.	BEING PART OF PIN 36044-0151(LT)
4,8,9,10	QUEEN ST.		BEING PART OF PIN 36044-0153(LT)
6	11,12,13,14,53		
7	53		BEING PART OF PIN 36044-0117(LT)

PARTS 1, 2, 5, 6 & 7 COMPRISE OF ALL OF PIN 36044-0117(LT)

1 REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 13R 20712

RECEIVED AND DEPOSITED

DATE: July 31, 2013

DATE: July 31, 2013

LESLIE M. HIGGINSON O.L.S.

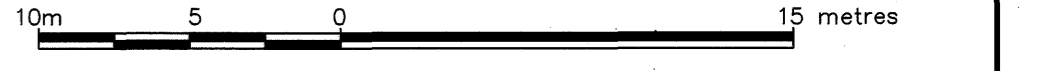
LESLIE M. HIGGINSON O.L.S.

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC No. 13

PLAN

SHOWING SURVEY OF LOTS 1, 2, 11, 12, 13, 14, 53, 54, 55 & 56 PART OF QUEEN STREET & KING STREET ORIGINAL SURVEY SOUTH OF THE TRAGICALLY HIP WAY & EAST OF KING STREET CITY OF KINGSTON COUNTY OF FRONTENAC

SCALE: 1 : 250



METRIC

DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LESLIE M. HIGGINSON SURVEYING Ltd. 2013

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 16TH DAY OF MAY, 2013.

LESLIE M. HIGGINSON SURVEYING LTD. ONTARIO LAND SURVEYOR KINGSTON, ONTARIO

DATE: July 31, 2013

DATE

LESLIE M. HIGGINSON ONTARIO LAND SURVEYOR

NOTE & LEGEND:

BEARINGS SHOWN HEREON ARE GRID BEARINGS REFERRED TO THE CENTRAL MERIDIAN, 75° WEST, ZONE 18, OF NAD 83 (1989 ADJUSTMENT), 6° UTM COORDINATE SYSTEM (GRS80 ELLIPSOID) AND ARE DERIVED FROM HORIZONTAL CONTROL MONUMENTS 0101990201, 00819680616 & 01019840003 COMPARISONS SHOWN IN BRACKETS ARE TO ASTROMETRIC BEARINGS

NAD 83 UTM COORDINATES (ZONE 18)		
POINT No.	NORTHING (M)	EASTING (M)
0101990201	4897364.995	375546.430
00819680616	4908651.683	393861.806
01019840003	4904874.771	394057.750

COMBINED SCALE FACTOR : 0.999782961.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES. GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.999782961.

INTEGRATION COORDINATE TABLE		
OBSERVED REFERENCE POINTS(ORP) DERIVED FROM GPS OBSERVATIONS USING REAL TIME KINEMATIC(RTK) BASE AND ROVER BASELINES COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10		
POINT ID	NORTHING (M)	EASTING (M)
ORP A	4891374.14	379900.69
ORP B	4889570.91	380497.91
ORP C	4981064.81	382579.16

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- DENOTES SURVEY MONUMENT PLANTED
 - SURVEY MONUMENT FOUND
 - SSIB - SHORT STANDARD IRON BAR
 - SIB - STANDARD IRON BAR
 - IB - IRON BAR
 - RP - ROCK POST
 - CC - CUT CROSS
 - WT - WITNESS
 - CALC - CALCULATED
 - S - SET
 - M - MEASURED
 - 1596 - LESLIE M. HIGGINSON O.L.S.
 - 1407 - M. PETER ALLEN O.L.S.
 - H&B - HUMPHRIES & BURGHAM LTD.
 - N/E/S/W - NORTH/EAST/SOUTH/WEST
 - P1 - PLAN 13R-11573
 - P2 - PLAN 13R-18158
 - P3 - PLAN 13R-16784
 - O.S. - ORIGINAL SURVEY
 - FBN - FACE OF BUILDING
 - FDN - FOUNDATION
- SSIB'S WERE PLANTED WHERE OVERBURDEN WAS INSUFFICIENT TO SET SIB'S
- ALL SURVEY MONUMENTS SET ARE IB'S UNLESS OTHERWISE NOTED

THIS PLAN IS IDENTICAL TO 13R-20703, DIFFERENCE BEING THAT CIVIC ADDRESSES AS SHOWN ON 13R-20703 HAVE BEEN REMOVED.

JULY 31, 2013

LESLIE M. HIGGINSON SURVEYING Ltd.

14 PARK CRESCENT KINGSTON, ONTARIO K7M 4J2 (613) 389-7986 (fax) 389-5578 or leslie@mhhgginson.com

FILE: O.S. KING QUEEN | LMH600GND

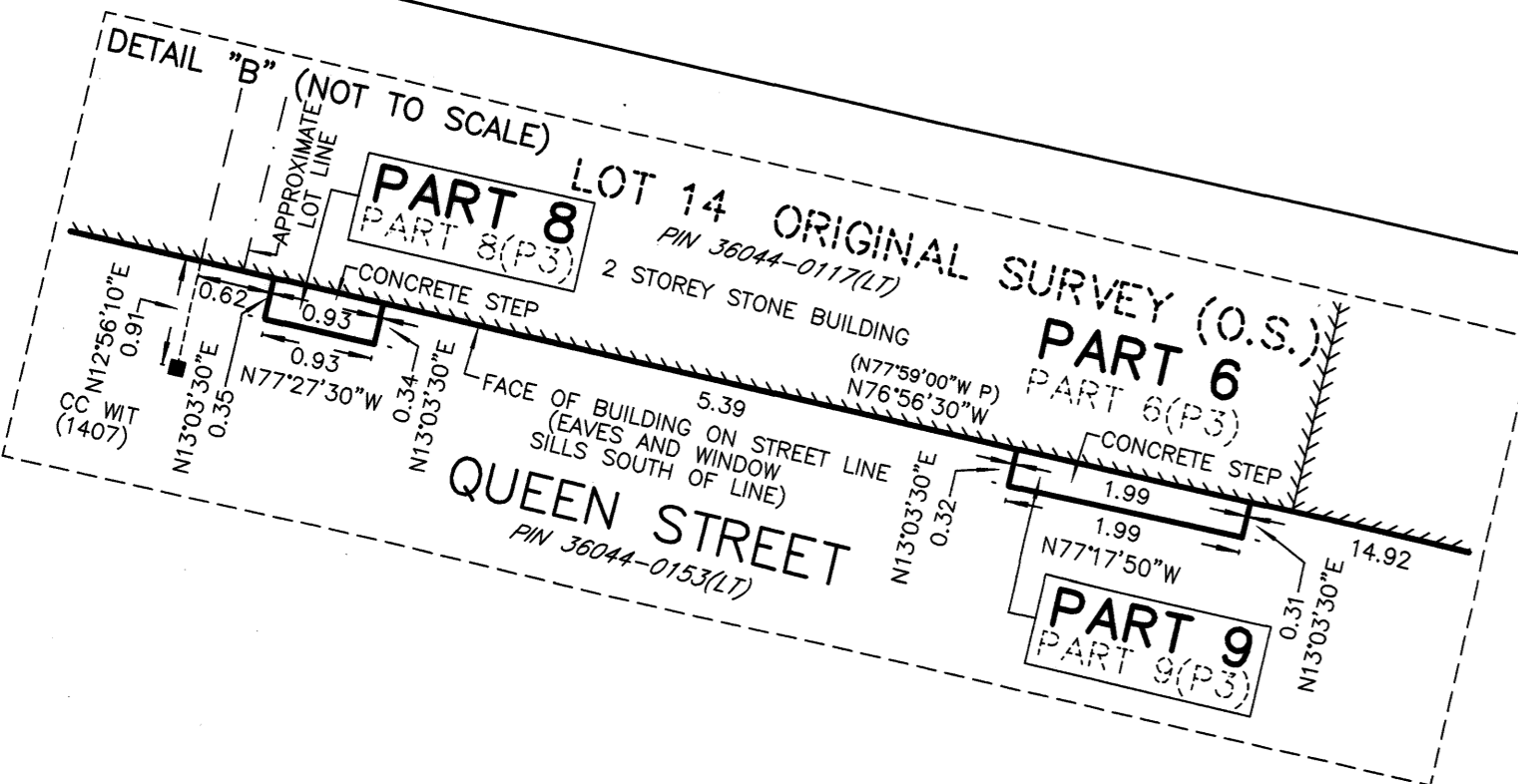
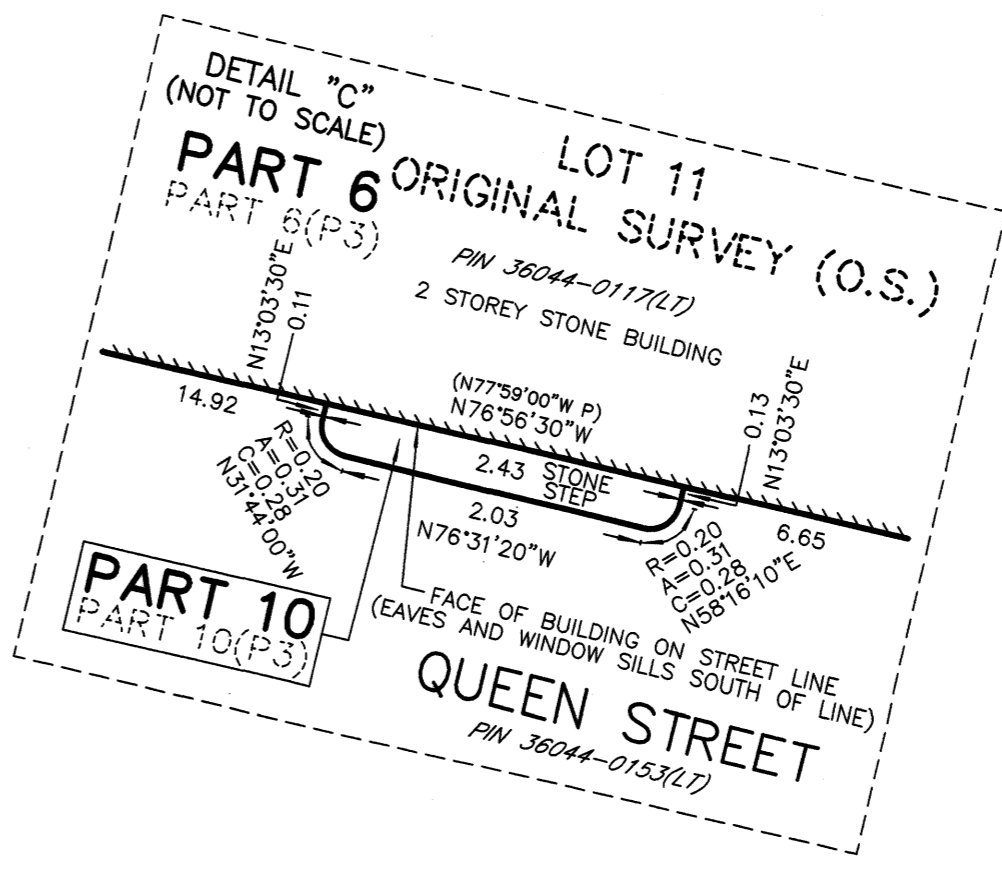
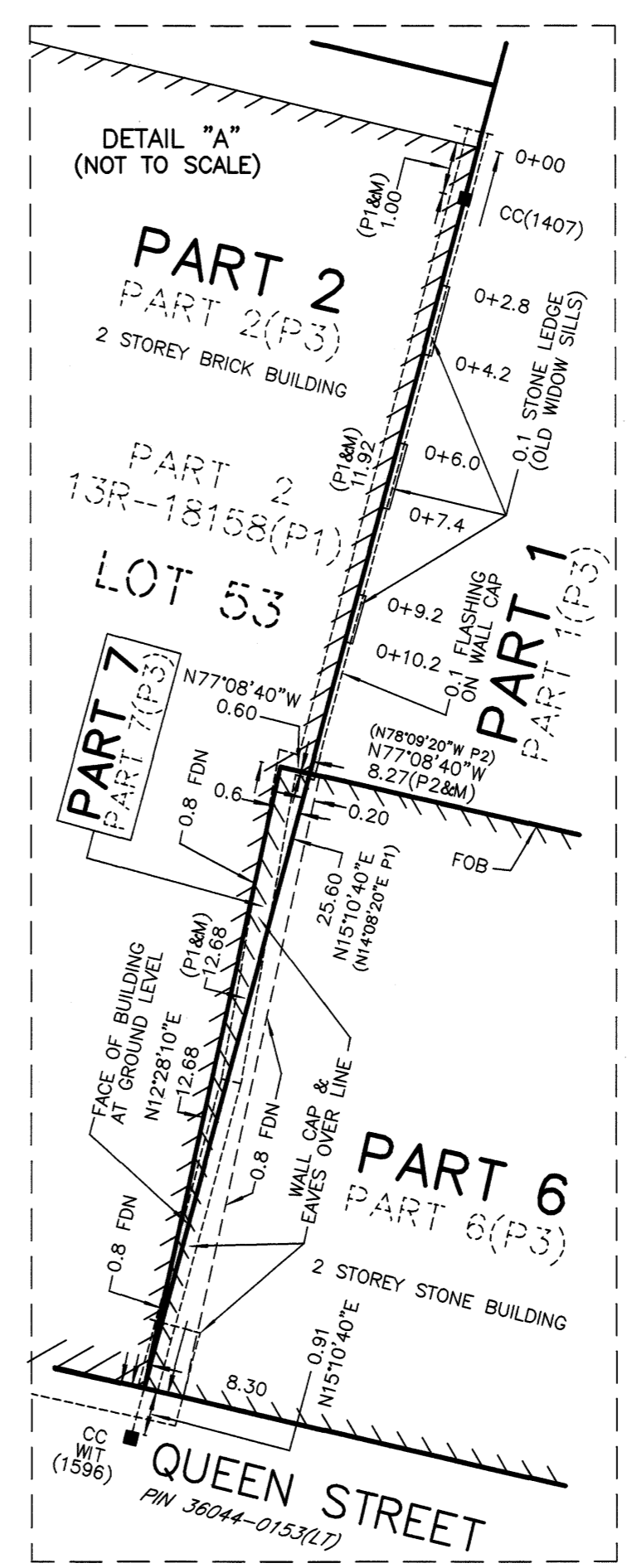
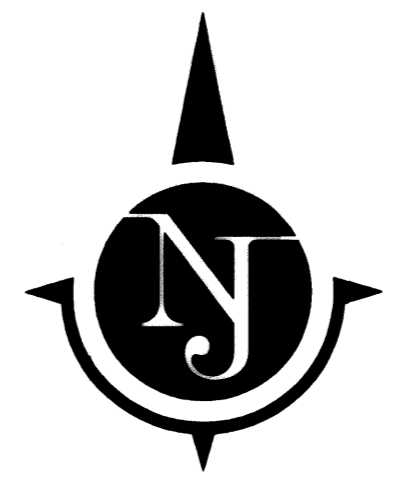
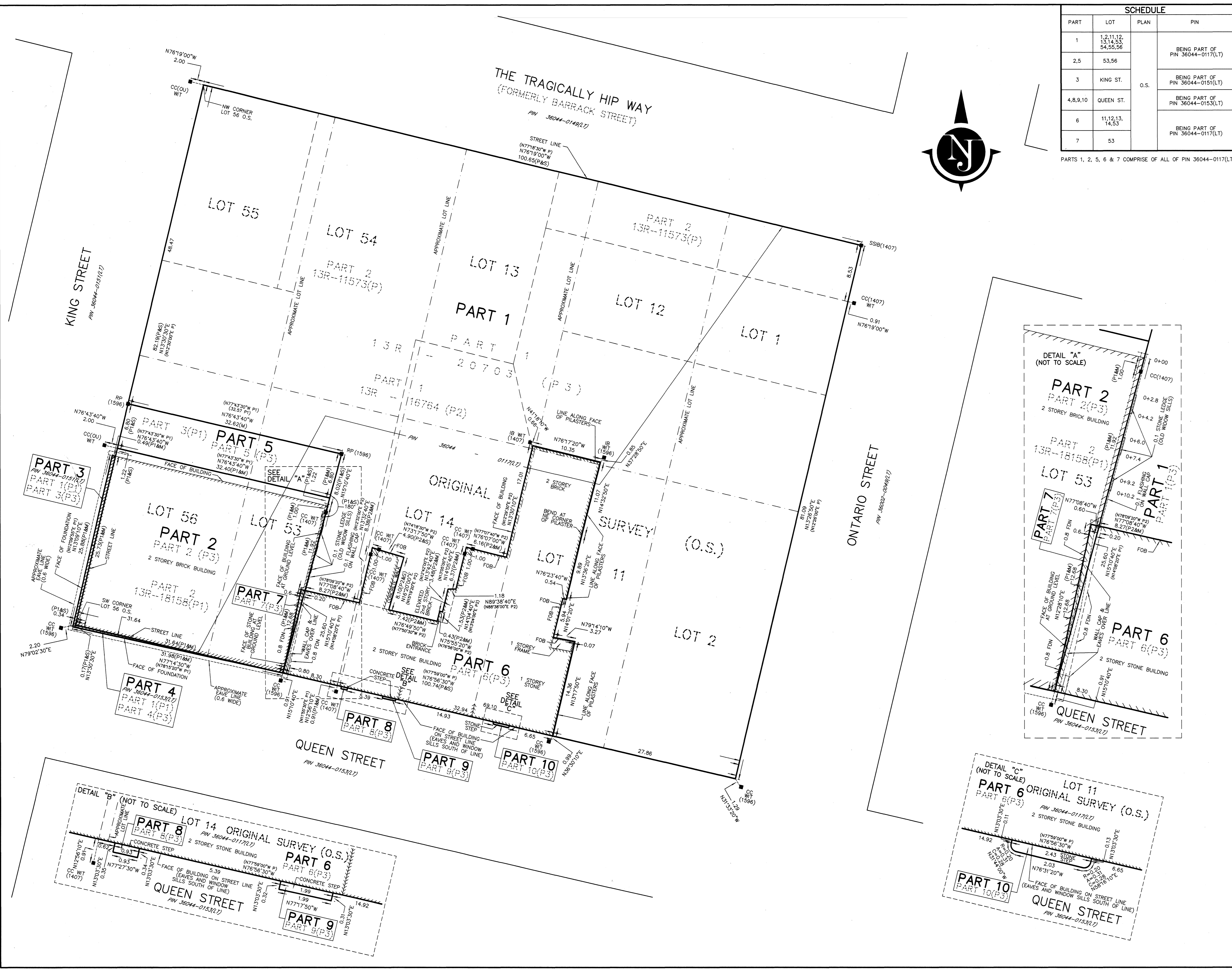


Exhibit "B" – Draft By-law

BY-LAW NO. 2013- ____

A BY-LAW TO STOP UP AND CLOSE, DECLARE SURPLUS AND DISPOSE OF A PORTION OF THE HIGHWAYS DESCRIBED AS KING STREET AND QUEEN STREET, ORIGINAL SURVEY CITY OF KINGSTON STREET MORE PARTICULARLY DESCRIBED AS PART 3 AND 4, REFERENCE PLAN 13R-20712 PER THE ATTACHED SCHEDULE A.

PASSED:

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 the Council and the sale of land;

AND WHEREAS the Council of the Corporation of the City of Kingston deems it necessary to pass a by-law to stop up and close and convey part of the highways;

AND WHEREAS public notice of Council's intention to stop up, close, declare surplus and sell a portion of the highways described as King Street and Queen Street, Original Survey, City of Kingston, more particularly described as Parts 3 and 4 on Reference Plan 13R-20712, was published on September 7 and 10, 2013 in the Kingston Whig Standard in accordance with the City of Kingston's Notice Policy;

NOW THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. The portion of highways described as King Street and Queen Street, Original Survey, City of Kingston, more particularly described as Parts 3 and 4 on Reference Plan 13R-20712, shall be stopped up and closed.
2. The portion of highways described as King Street and Queen Street, Original Survey, City of Kingston, more particularly described as Parts 3 and 4 on Reference Plan 13R-20712, are deemed surplus to the needs of the Municipality in accordance with the "Policy for the Sale and Acquisition of Real Property" approved by By-law 2006-155.
3. The Mayor and City Clerk of the Corporation of the City of Kingston are hereby authorized to execute on behalf of the Municipality under corporate seal such deeds and other documents as may be necessary to effect the conveyance of the portion of the highways described as King Street and Queen Street, Original Survey, City of Kingston, more particularly described as Parts 3 and 4 on Reference Plan 13R-20712, which has been stopped up and closed by this by-law.
4. This By-Law shall come into force and take effect on the date of its registration in the local Land Registry Office.

GIVEN FIRST AND SECOND READINGS

GIVEN THIRD READING AND FINALLY PASSED

CITY CLERK

MAYOR

Exhibit “C” – Draft By-law

BY-LAW NO. _____

A BY-LAW TO DECLARE SURPLUS AND DISPOSE OF THE LANDS KNOWN AS PARTS 1, 2, 5, 6, and 7 ON PLAN 13R -27012, MORE PARTICULARLY DESCRIBED AS THE LANDS DENOTED ON THE ATTACHED SCHEDULE A.

PASSED:

WHEREAS The City’s “Policy on the Sale and Acquisition of Land” (By-law 2006-155) requires that prior to selling land, Council must declare the property surplus to its needs and give notice to the public of its intention to sell the land;

AND WHEREAS the Council of the Corporation of the City of Kingston deems the lands denoted on the attached “Schedule “A” as surplus;

AND WHEREAS public notice of has been provided according to the City of Kingston Public Notice Policy;

NOW THEREFORE the Council of The Corporation of the City of Kingston enacts as follows:

1. That the lands known as Parts 1, 2, 5, 6, and 7 on Plan 13R-27012 are deemed surplus to the needs of the Municipality in accordance with the “Policy for the Sale and Acquisition of Real Property” approved by By-law 2006-155.
2. 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 FINALLY PASSED

CITY CLERK

MAYOR