



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

**Report No.: 12-299**

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**TO:** Mayor and Members of Council

**FROM:** Denis Leger, Commissioner, Transportation,  
Properties & Emergency Services

**RESOURCE STAFF:** Peter Huigenbos, Acting Director, Real Estate &  
Construction Services

**DATE OF MEETING:** September 18, 2012

**SUBJECT:** Stop Up and Close a portion of Road Allowance in  
the Cataraqi Estate Business Park

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**EXECUTIVE SUMMARY:**

A portion of road allowance on Venture Drive in the Cataraqi Estate Business Park is no longer necessary and is recommended for closure. It is further recommended to declare it surplus and add the land to the adjacent vacant employment lot for sale. The portion was previously part of a temporary cul-de-sac turnaround that has since been removed by extending Venture Drive, and therefore the portion is redundant for road allowance purposes.

**RECOMMENDATION:**

**THAT** Council give two readings to the by-law attached as Exhibit C, to stop up and close a portion of the Venture Drive road allowance described as Part 24 on reference plan 13R-19877, as depicted in Exhibit B; and

**THAT** Council authorize and direct the City Clerk, in accordance with the City of Kingston Notice By-law 2003-015 as amended, to give notice of Council's intention to stop up and close the portion of Venture Drive road allowance described as Part 24 on reference plan 13R-19877, as depicted in Exhibit B; and

**THAT** Council, upon providing the prescribed public notice of Council's intent, give third reading and approve the attached by-law to stop up and close the portion of Venture Drive road allowance described as Part 24 on reference plan 13R-19877, as depicted in Exhibit B.

**AUTHORIZING SIGNATURES:**

<p><u>ORIGINAL SIGNED BY COMMISSIONER</u>                  Denis Leger, Commissioner, Transportation, Properties &amp; Emergency Services</p>
<p><u>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</u>                  Gerard Hunt, Chief Administrative Officer</p>

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Lanie Hurdle, <i>Community Services</i>	N/R
Cynthia Beach, <i>Sustainability &amp; Growth</i>	√
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

***(N/R indicates consultation not required)***

**OPTIONS/DISCUSSION:**

A portion of road allowance on Venture Drive in the Cataraqui Estate Business Park (as shown in Exhibit A) is no longer necessary and is recommended for closure. It is further recommended to declare it surplus and add the land to the adjacent vacant employment lot for sale. The portion was previously part of a temporary cul-de-sac turnaround that has since been removed by extending Venture Drive, and therefore the portion is redundant for road allowance purposes.

The portion of road allowance is approximately 1000 square metres (0.1 hectares). Its closure and inclusion into the adjacent lot for sale by the city will provide a lot line configuration that mirrors the alignment of the abutting street frontage. Lot line configuration is important when interpreting zoning by-law setbacks and site design.

The new extension of Venture Drive connects into Centennial Drive where a new roundabout has been constructed. Resource Road and Centennial Drive were also extended with the recent expansion of the Cataraqui Estates Business Park. These roads are expected to be open in the near future. Staff are currently working on a wiring design in order to power the street lighting prior to opening the roads.

**EXISTING POLICY/BY LAW:**

In order to stop up, close and declare surplus a portion of road allowance by By-Law, Council must first provide public notice of the City's intent. (By-Law No. 2003-15, as amended).

**NOTICE PROVISIONS:**

Public notice of Council's intent to stop up and close will be provided.

**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 capital budget for Employment Lands.

**CONTACTS:**

Peter Huigenbos, Acting Director, Real Estate & Construction Services  
613-546-4291, Ext. 3148

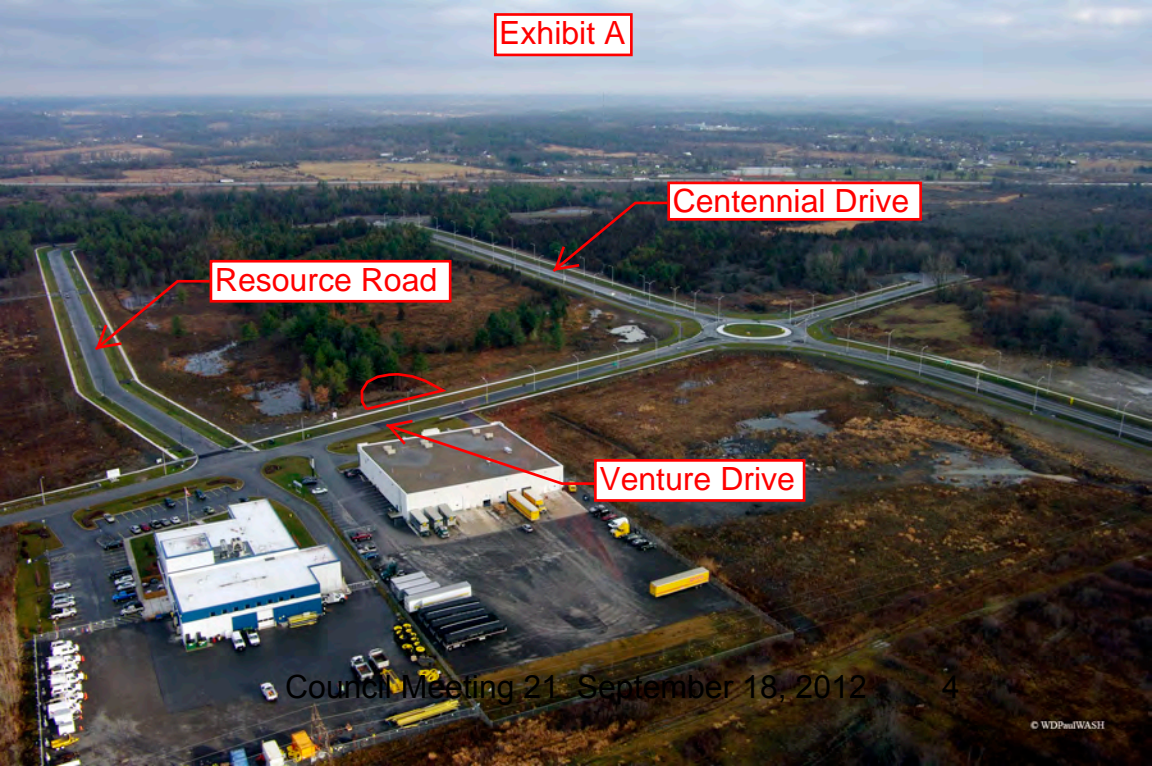
**OTHER CITY OF KINGSTON STAFF CONSULTED:**

Hal Linscott, Director, Legal Services 613-546-4291, Ext. 1296  
Kim Brown, Manager of Infrastructure and Development, Engineering Department  
613-546-4291, Ext. 3132

**EXHIBITS ATTACHED:**

- Exhibit A: Aerial photo sketch
- Exhibit B: Reference Plan 13R-19877
- Exhibit C: By-Law to Stop-Up and Close

Exhibit A



Resource Road

Centennial Drive

Venture Drive

# Exhibit B

**PLAN of SURVEY of  
PART of LOT 12, CONCESSION 3  
Geographic Township of KINGSTON  
CITY of KINGSTON  
COUNTY of FRONTENAC  
SCALE = 1:1000**

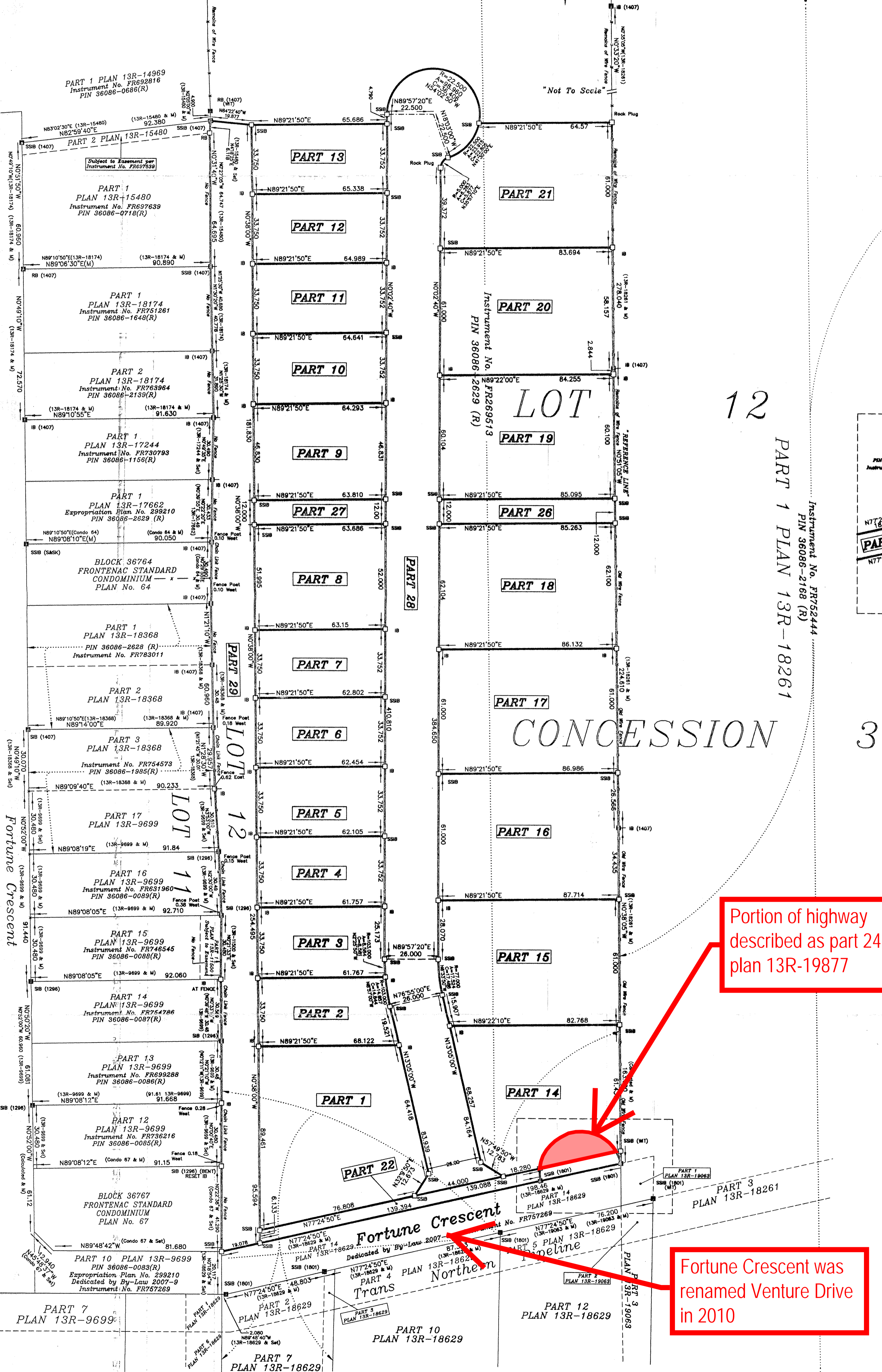
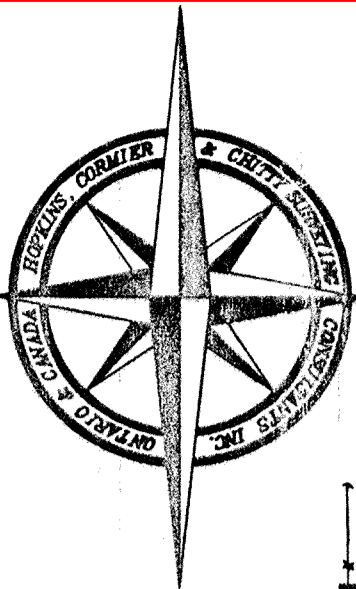
25metres 0 25 50 75 100metres

**HOPKINS, CORMIER & CHITTY  
SURVEYING CONSULTANTS INC.  
-2010-**

**METRIC**  
Distances Shown on This  
Plan are in Metres and  
can be Converted to Feet  
by Dividing by 0.3048

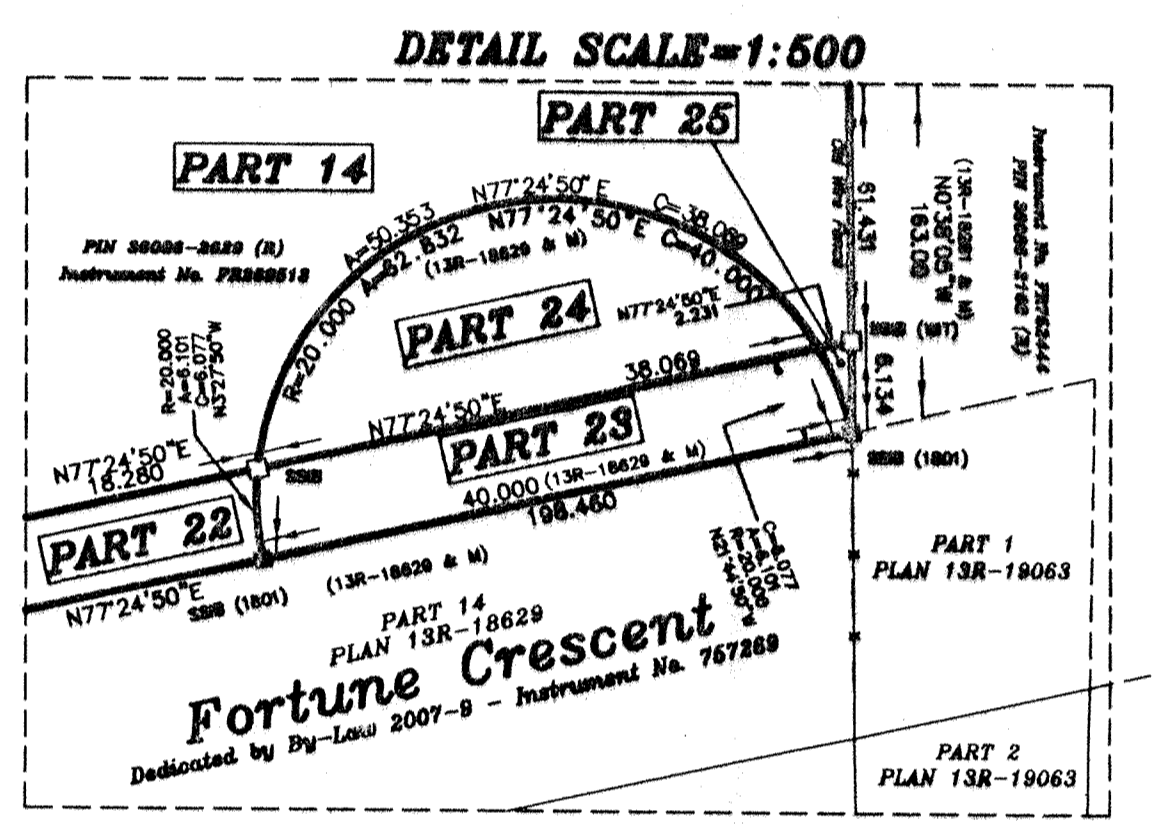
I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE  
REGISTRY ACT.

**PLAN 13R-19877**  
RECEIVED AND DEPOSITED  
DATE June 4, 2010  
*L. Fawcett*  
SIGNATURE  
Dep.  
LAND REGISTRAR FOR THE  
LAND TITLES DIVISION OF  
FRONTENAC (No. 13)



SCHEDULE				
PART	LOT	CON.	INST. No.	PIN No.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14	12	3	PART OF FR269513	36086-2629 (R)
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				

PARTS 1 THROUGH 29 COMPRISE PART OF PIN 36086-2629 (R)



**NOTES:**  
BEARINGS ARE ASTRONOMIC, DERIVED FROM PART OF THE  
WESTERLY LIMIT OF PART 1 PLAN 13R-18261 IT BEING  
N0°51'05" W AND DESIGNATED HEREON AS "REFERENCE LINE".

- LEGEND:**
- SSIB PLANTED DUE TO INSUFFICIENT OVERBURDEN
  - denotes Planted Survey Monument
  - Found Survey Monument
  - Standard Iron Bar
  - SSIB Short Standard Iron Bar
  - IB Iron Bar
  - IRB Iron Bar (round)
  - RB Rock Bar
  - RP Rock Post
  - Plat. Measured
  - (M) Measured
  - (R.P.) Registered Plan
  - (HP) Hydro Pole
  - (1801) Hopkins, Cormier & Chitty—O.L.S.
  - (1407) M. Peter Allen—O.L.S.
  - (S&S) Smith & Smith Kingston—O.L.S.

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1. This Survey and Plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT and the REGISTRY ACT and the REGULATIONS made under them.  
2. THE SURVEY was completed on the 28th day of MAY, 2010

HOPKINS, CORMIER & CHITTY SURVEYING  
DATE: JUNE 4, 2010  
*Phil W. Chitty*  
PHIL W. CHITTY—O.L.S.

Party Chief: DS	Instrument: SV	Checked By: PWC	Plan By: RM
<b>HOPKINS, CORMIER &amp; CHITTY SURVEYING CONSULTANTS INC.</b> Ontario & Canada Land Surveyors www.hopkinscormier.com			
634-636 NORRIS COURT KINGSTON, ONTARIO K7P-2R9 Tel: (613) 384-9288 Fax: (613) 384-3613		PROJECT No. 3009-289 LOT 12, CONCESSION 3 TOWNSHIP OF KINGSTON	

Exhibit "C"

**BY-LAW NO. 2012-**

**A BY-LAW TO STOP UP, CLOSE AND DECLARE SURPLUS THE PORTION OF VENTURE DRIVE HIGHWAY DESCRIBED AS PART 24 ON REFERENCE PLAN 13R-19877.**

**PASSED:**

**WHEREAS** Section 27.(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, permits municipalities to pass by-laws for the closing to vehicular traffic of a highway under the jurisdiction of the Council;

**AND 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 it necessary to pass a by-law to stop up, close and declare surplus part of a highway;

**AND WHEREAS** public notice of Council's intention to stop up, close and declare surplus a portion of the highway shall be published in accordance with Section 4 of By-Law No. 2003-15 "City of Kingston Notice By-Law", as amended;

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

1. The portion of highway described as Venture Drive, more particularly described as Part 24 on reference plan 13R-19877, shall be stopped up, closed and declared surplus.
2. 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 affect the stopping up, closing and declaring surplus of this portion of road allowance by this by-law.
3. 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**