



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-074

TO: Mayor and Members of Council

FROM: Cynthia Beach, Commissioner, Sustainability and Growth

RESOURCE STAFF: Speros Kanellos, Director, Real Estate & Construction Services

DATE OF MEETING: January 24, 2012

SUBJECT: Stop Up and Close an Unopened Road Allowance in the Cataraqui Estate Business Park to Facilitate Plan of Subdivision Application

EXECUTIVE SUMMARY:

A portion of road allowance on Resource Road in the Cataraqui 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 Resource Road, 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 Resource Road road allowance described as Part 1 on the draft reference plan 13R- -----, 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 Resource Road road allowance described as Part 1 on the draft reference plan 13R- - -----, 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 Resource Road road allowance described as Part 1 on the draft reference plan 13R- -----, as depicted in Exhibit B.

January 24, 2012

- Page 2 -

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER Cynthia Beach, Commissioner, Sustainability & Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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

(N/R indicates consultation not required)

January 24, 2012

- Page 3 -

OPTIONS/DISCUSSION:

A portion of road allowance on Resource Road 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 Resource Road, and therefore the portion is redundant for road allowance purposes.

The portion of road allowance is very small, approximately 100 square metres (0.01 hectares). However, 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 Resource Road connects into the northern limit of the recent extension of Centennial Drive. Venture Drive was extended with the recent expansion of the Cataraqui Estates Business Park. These roads are expected to be open to public traffic during the spring or summer of 2012. Staff are currently working on a wiring design in order to power the streetlighting 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, Project Engineer, Real Estate & Construction Services	613-546-4291 ext. 3148
Speros Kanellos, Director, Real Estate & Construction Services	613-546-4291 ext. 3133
Cynthia Beach, Commissioner, Sustainability & Growth Group	613-546-4291 ext. 1150

OTHER CITY OF KINGSTON STAFF CONSULTED:

Hal Linscott, Director, Legal Services	613-546-4291, Ext. 1296
--	-------------------------

EXHIBITS ATTACHED:

January 24, 2012

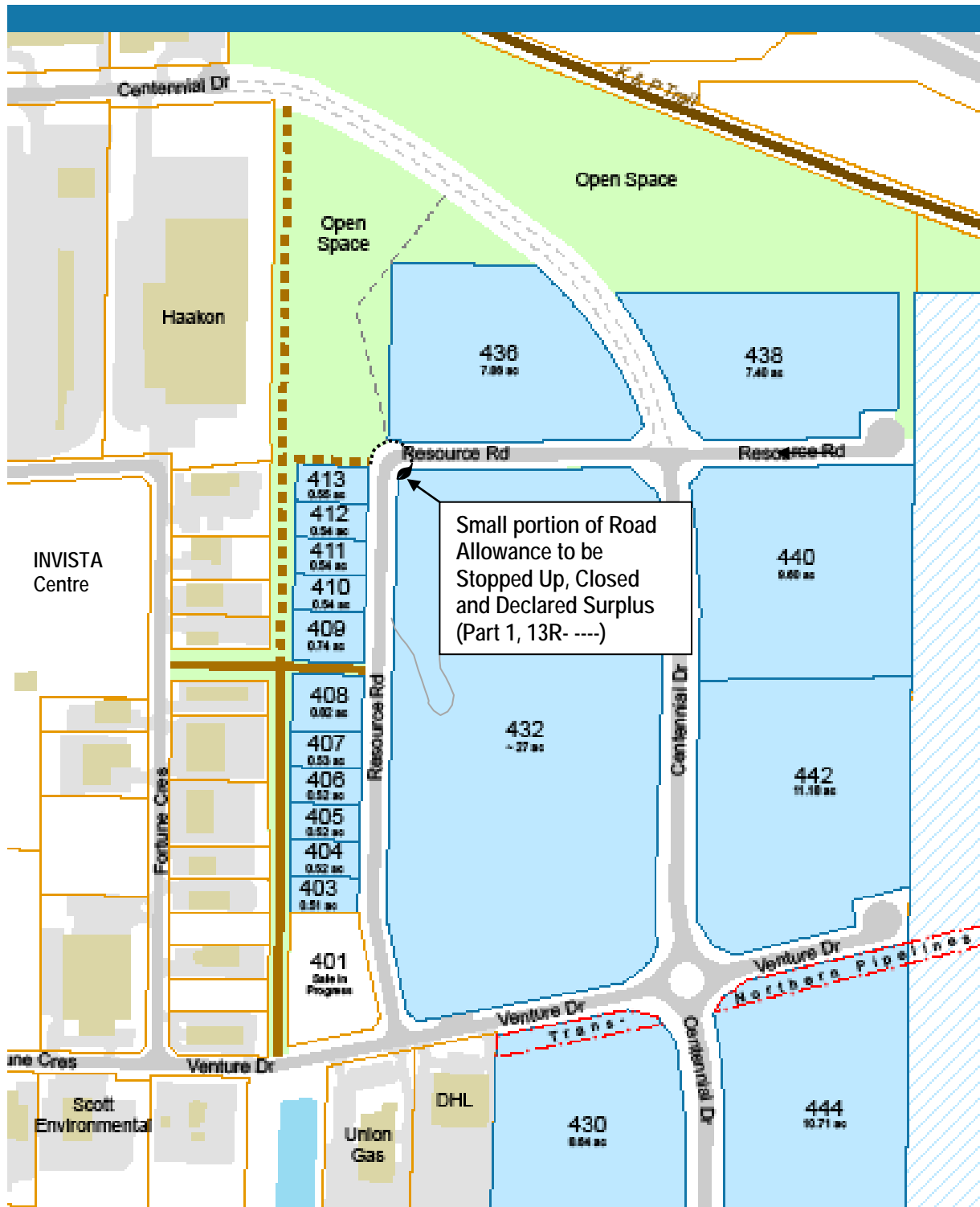
- Page 4 -

Exhibit A - Sketch

Exhibit B - Draft Reference Plan 13R- -----

Exhibit C - By-Law to Stop-Up and Close

Cataraqui Estates Business Park



Sketch of Part 1, 13R- ---- to be stopped up, closed and declared surplus.

**PLAN of SURVEY of
PART of LOT 12, CONCESSION 3
Geographic Township of KINGSTON
CITY of KINGSTON
COUNTY of FRONTENAC**

SCALE = 1:1000



**HOPKINS, CORMIER & CHITTY
SURVEYING CONSULTANTS INC.
-2012-**



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

PLAN 13R-

RECEIVED AND DEPOSITED

DATE: _____

DATE: _____

SIGNATURE _____

PHIL W. CHITTY
ONTARIO LAND SURVEYOR

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

SCHEDULE

PART	LOT	CON.	PIN No.
1	Part 12	3	36086-2973 (LT)

PARTS 1 & 2, COMPRISE PART OF PIN 36086-2629 (LT)

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 18, NAD83 (ORIGINAL)
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP "A"	4903749.64	375368.91
ORP "B"	4903969.47	375371.30

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

BEARINGS ARE UTM GRID, DERIVED FROM THE EASTERLY LIMIT
OF PART 1 PLAN 13R-20232 HAVING A BEARING OF N0°37'30"E
AND DESIGNATED HEREBY AS "REFERENCE LINE".

FOR BEARING COMPARISONS, A ROTATION OF 1°10'50" CLOCKWISE WAS
APPLIED TO BEARINGS ON PLANS 13R-18261 & 13R-19877

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999809

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

LEGEND:

SSIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN

- denotes Planted Survey Monument
- Found Survey Monument
- SIB " Standard Iron Bar
- SSIB " Short Standard Iron Bar
- IB " Iron Bar
- IB⊙ " Iron Bar (round)
- RB " Rock Bar
- RP " Rock Post
- (WIT) " Witness
- (M) " Measured Plan
- (R.P.) " Registered Plan
- (HP) " Hydro Pole
- (1801) " Hopkins, Cormier & Chitty-O.L.S.
- (1407) " M. Peter Allen-O.L.S.
- (S&SK) " Smith & Smith Kingston-O.L.S.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

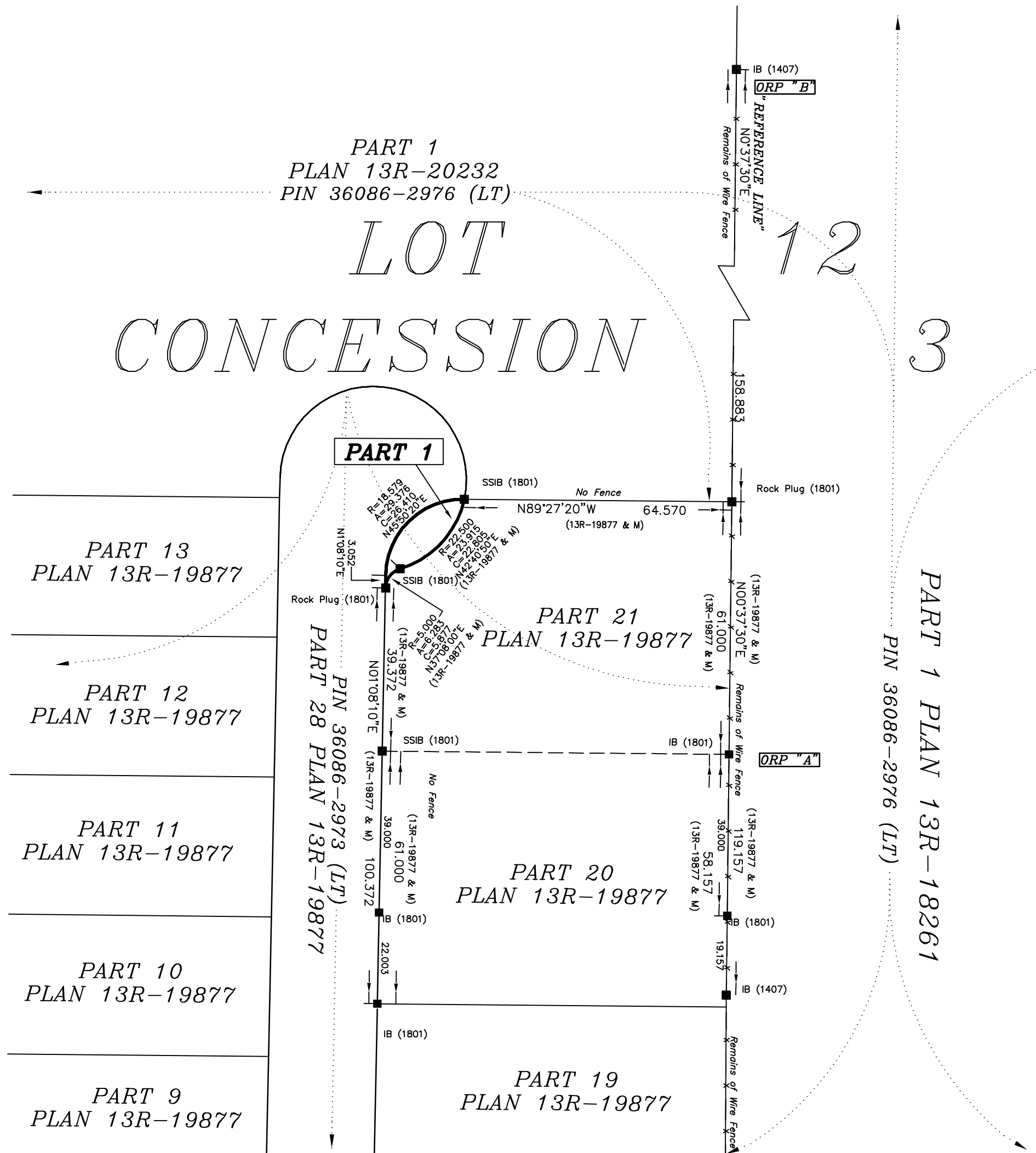
1. This Survey and Plan are correct and in accordance
with the SURVEYS ACT, the SURVEYORS ACT and the
LAND TITLES ACT and the REGULATIONS made under them.

2. The SURVEY was completed on the _____ day of
SEPTEMBER, 2011

HOPKINS, CORMIER & CHITTY SURVEYING

DATE: JANUARY 13, 2012

PHIL W. CHITTY-O.L.S.



**HOPKINS, CORMIER & CHITTY
SURVEYING CONSULTANTS INC.
Ontario & Canada Land Surveyors**
www.hopkinscormier.com

634-636 NORRIS COURT
KINGSTON, ONTARIO K7P-2R9
Tel (613) 384-9266
Fax (613) 384-3513

PROJECT No. 2009-239-2
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 RESOURCE ROAD HIGHWAY DESCRIBED AS PART 1 ON DRAFT REFERENCE PLAN 13R- -----.

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 Resource Road, more particularly described as Part 1 on the draft reference plan 13R- -----, 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 effect 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