



City of North Bay Report to Council

Report No: CSBU 2021-22

Date: April 8, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Road Closure Application by 2453454 Ontario Limited – Unopened Portion of Haviland Avenue

Closed Session: yes ☐ no ☒

Recommendation

- 1) That the Application by 2453454 Ontario Limited to close a portion municipally owned Haviland Avenue road allowance, as shown on the attached Schedule A be approved;
- 2) That the closure of the roadway be subject to the granting of any required easements; and
- 3) That the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject roadway.

Background

Site Information

Site Description: The subject property is an unopened, municipally owner road allowance located between the properties located between 590 Chippewa Street West and 510 Chippewa Street West, as shown on Figure 1 below and on the attached Schedule A.

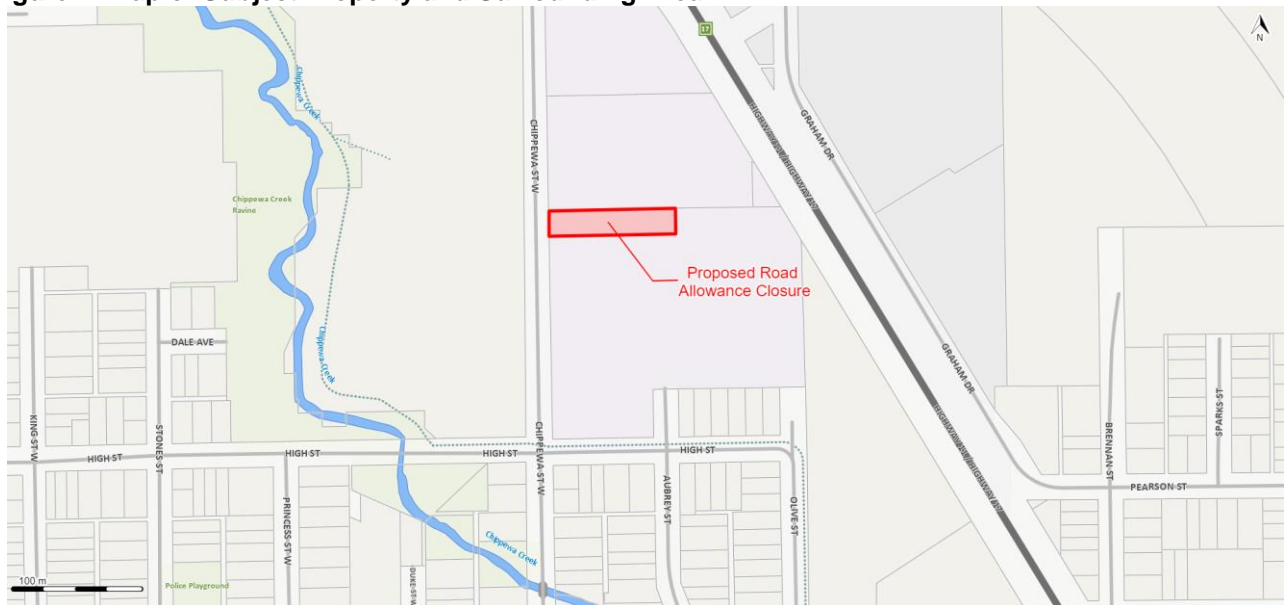
590 Chippewa Street West is applicant for the subject road closure application and is developed with the former OPP Building.

510 Chippewa Street West is owned by the Department of National Defence and is developed with the Fort Chippewa Barracks Building.

The subject road allowance is designated "Residential" by the Official Plan and is zoned "Institutional (N)" by Zoning By-law 2015-30.

The portion of road allowance subject to this application would have formed a part of Haviland Avenue. However, Haviland Avenue was not constructed in this area. Adjacent lands that would have made up this road have since been transferred into other ownership and have been developed. As a result, the subject portion of road allowance is surplus to municipal needs.

Figure 1: Map of Subject Property and Surrounding Area



Background

Section 34(1) of the Municipal Act 2001 (S.O. 2001, c.25) permits municipalities to pass By-laws for "stopping up any highway or part of a highway".

The applicants have made a request to stop up and close a portion of the municipally owned Haviland Avenue road allowance, located between 590 Chippewa Avenue West and 510 Chippewa Avenue West.

The request to close and acquire the Haviland Avenue road allowance was circulated to all departments and agencies that have an interest in municipal road allowances, as well as to the adjacent property owners. No concerns were expressed, as outlined below.

The request was also circulated to the adjacent property owner, the Department of National Defence. The Department of National Defence has expressed an interest in acquiring all or a portion of the road allowance.

Financial/Legal Implications

If approved by City Council, the closed road allowance would be sold to the adjacent property owners at the appraised value of the land.

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Promote and support public and private sector investment

Options Analysis

Notice of this proposed closure was circulated to all parties that may have an interest in this matter with the following comments received:

- 1) City Solicitor – No concerns expressed
- 2) Building Department – No objections
- 3) Engineering Department – No objections
- 4) Manager, Arts, Culture, Recreation & Leisure Services – No concerns expressed
- 5) Fire Department – No concerns expressed
- 6) North Bay-Mattawa Conservation Authority – No objections
- 7) Bell Canada – Identified that infrastructure may be present. Should the infrastructure be located on the property, Bell has requested an easement. The recommendation from staff is reflective of the possibility of an easement being required.
- 8) Ministry of Transportation – No concerns expressed.
- 9) Union Gas – No concerns expressed

10) North Bay Hydro – Identified the presence of their infrastructure in the subject road allowance. North Bay Hydro has requested an easement to protect this infrastructure. The recommendation from staff is reflective of the possibility of an easement being required.

11) Hydro One – No objections

The abutting property owner, the Department of National Defence stated that they would be interested in acquiring a portion of the road allowance.

Council has the option to transfer the road allowance to either property owner as it chooses. It can elect to transfer the entire length of road allowance to either property owner. It could also provide a portion of the lands to each of the two neighbouring property owner.

The applicant, owner of 590 Chippewa Street (the former OPP Building), has publically announced its intention to develop their property for a community housing initiative that would contribute to local homeless infrastructure. The Department of National Defence, to staff's knowledge, does not have current development plans but they do also provide an important community role.

It is staff's opinion that splitting the road allowance evenly and providing a section of land to each property owner to facilitate the use of both properties is equitable and would provide community benefit. Planning staff discussed this distribution with the applicant. They did not express any opposition to this arrangement.

No further correspondence was received regarding this matter.

Option 1:

Do not close the road allowance. This option is not recommended.

Option 2:

Close the road allowance and transfer the entire portion of land to either of the two abutting property owners. This option is not recommended

Option 3

Close the road allowance and transfer half of the lands in question to each of the two abutting property owners. This option is the recommended option.

Recommended Option

Option 3 is the recommended option.

- 1) That the Application by 2453454 Ontario Limited to close a portion municipally owned Haviland Avenue road allowance, as shown on the attached Schedule A be approved;
- 2) That the closure of the roadway be subject to the granting of any required easements; and
- 3) That the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject roadway.

Respectfully submitted,

Name: Peter Carello, MCIP RPP
Title: Senior Planner – Current Operations

I concur with this report and recommendation.

Name: Beverley Hillier, MCIP RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP RPP
Title: Director of Community Development and Growth

Name: John Severino, P.Eng, MBA
Title: City Engineer – Infrastructure and Operations

Name: David Euler, P.Eng
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello
Title: Senior Planner – Current Operations

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Schedule A

