



## City of North Bay Report to Council

Report No: CSBU-2024-042

Date: July 31, 2024

Originator: Beverley Hillier

Business Unit:  
Community Services

Department:  
Planning & Building Department

Subject: Request to close an unopened Road Allowance – Legault Street

Closed Session: yes  no

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### Recommendation

1. That the application by Tulloch Geomatics Inc. on behalf of Plastruct Canada Inc. to acquire an unopened municipal road allowance, as shown on Schedule "B" attached to Report to Council CSBU 2024-042, be approved; and
2. That the sale of the unopened road allowance be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to negotiate this sale for the subject road allowances at the appraised value.

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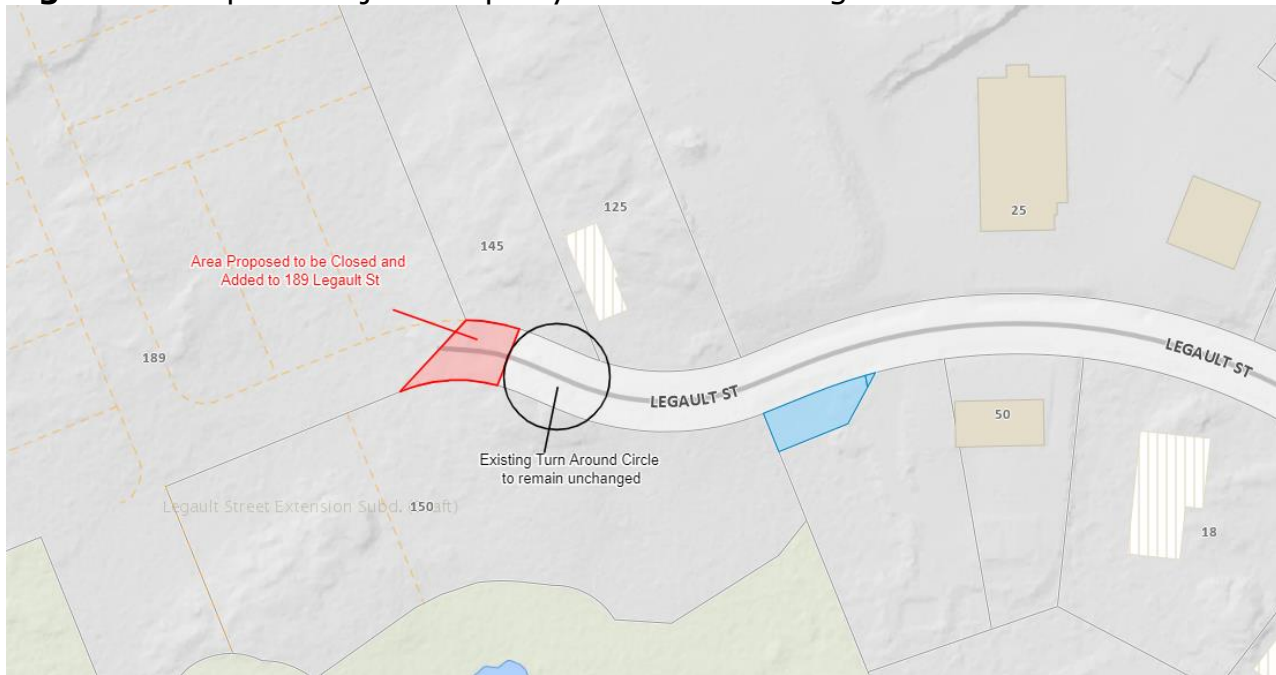
### Background

#### Site Information

Site Description: The subject road allowance is at the end of Legault Street. It is located just past a recently constructed turn around circle and is used to access the adjacent industrial parcel as shown on Schedule A & B attached.

The property is designated "Industrial" by the Official Plan and is zoned "General Industrial (M2)" under the City's Zoning By-law No. 2015-30.

**Figure 1:** Map of Subject Property and Surrounding Area



## **Proposal**

Plastruct Canada Inc. has applied to close a portion of the Legault Street road allowance.

The Road Allowance was transferred to the City as part of the initial Final Approval (City File 48T-19101) of the Phase 1 Legault Street industrial plan of subdivision. The owner of the property has revised their plans for the development of the property and plans to apply for a Plan of Condominium. As a result of the location of the newly constructed cul-de-sac there is a portion of land that forms part of Legault Street which is required to be in the ownership of the applicant to ensure the property has access to an opened, municipally maintained road.

## **Summary**

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".

## **Correspondence**

The proposed road closure was circulated to members of the public that directly abut the portion of the road allowance that is subject to the road closure request. The property owner at 145 Legault Street signed off on the application form indicating that they do not wish to purchase a portion of the road allowance. No response was received from any other abutting property owner.

The proposal was circulated to the municipal departments and external agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

- Enbridge Gas Inc.: "Enbridge Gas Inc. has completed review of this proposal, and have no objection to this proposed transfer."
- Bell Canada: "Bell Canada has no easement requirements with respect to the proposed closure and sale of the subject property."
- North Bay Hydro: "In response to your letter dated July 5th, 2024 regarding the proposed closure of a portion of Legault Street, North Bay Hydro has reviewed and determined that easement protection will be required. North Bay Hydro has at least one pole and multiple anchors that lie within the boundaries of the proposed lane closure and will therefore require easement protection if the application proceeds and the proposed portion of lane is closed and conveyed. We trust this is satisfactory."
- North Bay Fire Department.: "I have no comments or objections"
- Ministry of Transportation: "The subject location is not within the permit control area of the MTO and as such there are no comments to provide."
- Building Department: "No concerns from Building Services."
- Engineering Department: "No concerns from Engineering."
- Fire Department: "No comments or objections."
- North Bay Mattawa Conservation Authority: "The subject property for Schedule B is partially within the Approximate Regulated Area that contains a 30m buffer of a wetland. The wetland and the area 30m adjacent to the wetland are regulated under Ontario Regulation 41/24 for development. See attached. Any development would require a Sect. 28 permit (Diversion, Interference and Alterations). The subject property is not within a Wellhead Protection Area, Intake Protection Zone, Issue Contributing Area or an Event Based Area. Therefore, there are no concerns issues pertaining to North Bay-Mattawa Source Protection Plan."

No other correspondence was received on this file.

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## **Financial/Legal Implications**

Should the subject application be approved, the financial implications to the City of North Bay would be revenue generated from the sale of the road allowance at their appraised value. The applicant would be responsible for all costs associated with the closure including the appraisal, survey and legal costs.

The legal implications to the City would be the transfer of an unopened road allowance into private ownership.

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### **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

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### **Options Analysis**

Option 1:

1. That the application by Tulloch Geomatics Inc. on behalf of Plastruct Canada Inc. to acquire an unopened municipal road allowance, as shown on Schedule "B" attached to Report to Council CSBU 2024-042, be approved; and
2. That the sale of the unopened road allowance be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to negotiate this sale for the subject road allowances at the appraised value.

This is the recommended option.

Option 2: Do not close the road allowance. This option is not recommended, because there is no municipal requirement for the road allowance.

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### **Recommended Option**

1. That the application by Tulloch Geomatics Inc. on behalf of Plastruct Canada Inc. to acquire an unopened municipal road allowance, as shown on Schedule "B" attached to Report to Council CSBU 2024-042, be approved; and
2. That the sale of the unopened road allowance be subject to the granting of any required easements; and

3. That the Chief Administrative Officer be authorized by Council to negotiate this sale for the subject road allowances at the appraised value.

Respectfully submitted,

Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

**I concur with this report and recommendation**

**We concur with this report and recommendation.**

Name: Ian Kilgour, MCIP. RPP

Title: Director, Community Services

Name: John Severino, P.Eng., MBA

Title: Chief Administrative Officer

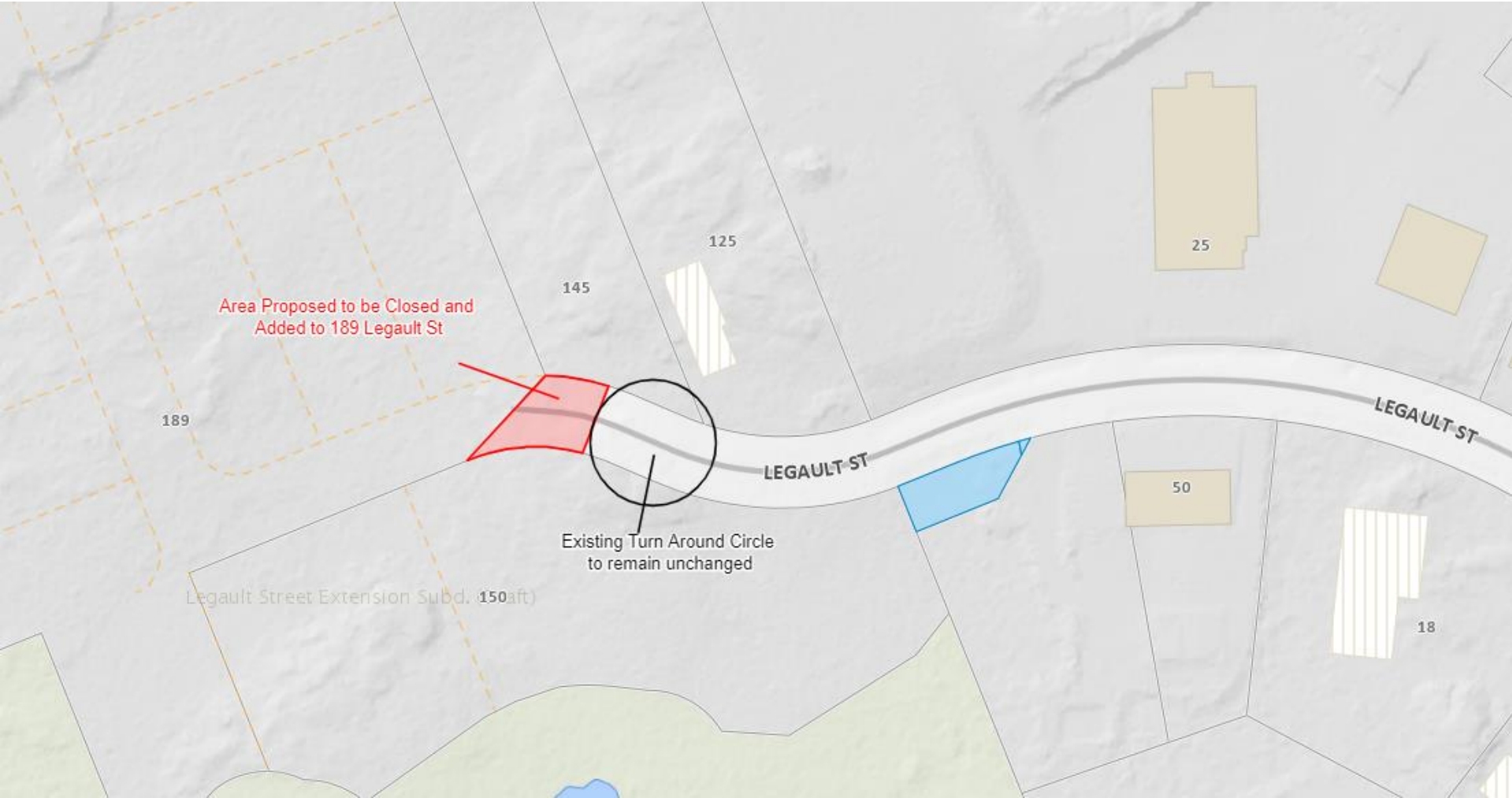
Personnel designated for continuance:

Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

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# Schedule A



# Schedule B

