

Request for Decision

Lane Closure and Declaration of Surplus Land - Van Horne Street, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Apr 25, 2016
Report Date	Friday, Apr 01, 2016
Type:	Referred and Deferred Matters

Resolution

THAT the City of Greater Sudbury closes by By-law the unopened lane south of Van Horne Street, Sudbury, legally described as PIN 73584-0927(LT), lane east of Lots 101 to 105, Plan 2S and east of Lot 101, Plan 33S, Township of McKim, City of Greater Sudbury, and declare surplus to the City's needs and that the lane be sold to the abutting owners pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174, all in accordance with the report from the General Manager of Assets, Citizen and Leisure Services dated April 1, 2016.

BACKGROUND:

On March 21, 2016, the Planning Committee received a report from the General Manager of Assets, Citizen and Leisure Services regarding the Lane Closure and Declaration of Surplus Land - Van Horne Street, Sudbury. A copy of the report is attached.

The Planning Committee deferred the matter asking staff to report back to the Committee after meeting with the owner of 238-260 and 268 Drinkwater Street. The property owner has 28 residential units on Drinkwater Street but there are only 17 on-street parking permits available. A meeting with the property owner was held March 29, 2016. The property owner is proposing the development of permanent rear yard parking for their tenants with access from the subject lane. This can be achieved with the closure and sale of the lane with easements for right-of-way purposes being granted to the abutting owners.

It is recommended that the unopened lane south of Van Horne Street, Sudbury, be closed by By-law, declared surplus to the City's needs and offered for sale to the abutting property owners.

A further report will follow with respect to the sale transactions and associated easements.

Signed By

Report Prepared By

Steve Paxy
Property Administrator
Digitally Signed Apr 1, 16

Reviewed By

Keith Forrester
Real Estate Coordinator
Digitally Signed Apr 1, 16

Recommended by the Division

Danielle Braney
Director of Asset Services
Digitally Signed Apr 1, 16

Recommended by the Department

Ron Henderson
General Manager of Assets, Citizen
and Leisure Services
Digitally Signed Apr 6, 16

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer
Digitally Signed Apr 6, 16

Request for Decision

Lane Closure and Declaration of Surplus Land - Van Horne Street, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Mar 21, 2016
Report Date	Thursday, Feb 25, 2016
Type:	Routine Management Reports

Resolution

THAT the City of Greater Sudbury close by By-law the unopened lane south of Van Horne Street, Sudbury, legally described as PIN 73584-0927(LT), lane east of Lots 101 to 105, Plan 2S and east of Lot 101, Plan 33S, Township of McKim, City of Greater Sudbury, and declare surplus to the City's needs and that the lane be sold to the abutting owners pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174, all in accordance with the report from the General Manager of Assets, Citizen and Leisure Services dated February 25, 2016.

BACKGROUND:

The subject land measures approximately 6.1 metres (20 feet) in width with a length of 106.4 metres (349 feet) and has a split zoning of residential and institutional. The City of Greater Sudbury acquired the lane in 1909 through a plan of subdivision process.

The location of the subject land is identified on the attached Schedule 'A' and a photograph of the land is shown on the attached Schedule 'B'.

Staff received a request from the abutting property owner on Van Horne Street to acquire the unopened lane in order to consolidate it with their current land holdings.

The proposal to declare the subject unopened lane surplus to the City's needs was circulated to all City departments and outside agencies, and the following comments were received:

The City's Planning Services department advised that depending on how the lane is consolidated with the abutting properties, a split zoning of the resultant lots may occur.

A zoning by-law amendment is not considered necessary to address any split zoning that could result from the transfer to abutting properties, provided that an easement is registered along the lane to provide for access to abutting properties. This would limit the use of the lane for access purposes and as such should not result in situations where buildings or structures would be erected on it, where a

Signed By

Report Prepared By

Steve Paxy
Property Administrator
Digitally Signed Feb 25, 16

Reviewed By

Keith Forrester
Real Estate Coordinator
Digitally Signed Feb 25, 16

Recommended by the Division

Danielle Braney
Director of Asset Services
Digitally Signed Feb 25, 16

Recommended by the Department

Ron Henderson
General Manager of Assets, Citizen
and Leisure Services
Digitally Signed Feb 26, 16

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer
Digitally Signed Mar 9, 16

split zoning could result in zoning compliance issues.

In consideration of the above, Planning Services staff has no objection to the unopened portion of the lane being declared surplus.

Bell Canada advised that they have existing aerial installations on the lane and would require a transfer of easement over that portion of land or an easement over all parts.

Greater Sudbury Utilities advised that they would require an easement to protect their existing plant.

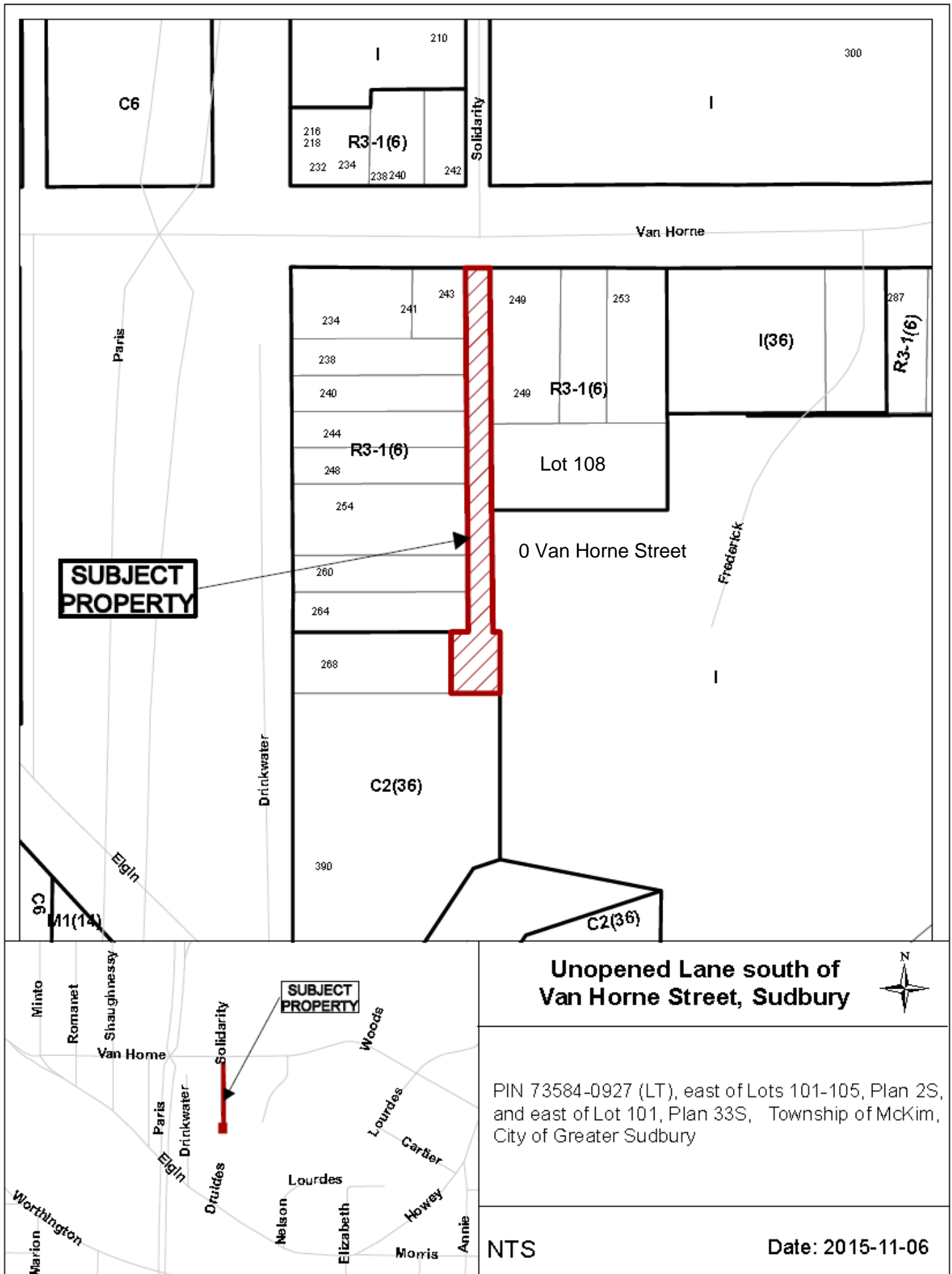
No additional comments were received.

The owner of properties with municipal addresses 238-260 and 268 Drinkwater has a garage located in the rear yard of her property at 244-248 Drinkwater and occasionally uses the unopened lane to access the garage. An easement for the purposes of right-of-way will be granted over that portion of the lane north of their property to insure the continued access to the garage. In addition, an easement for right-of-way will be granted to the owner Lot 108, Plan 2S over the lane from Van Horne to the southerly limit of Lot 108 to prevent it from being landlocked.

It is recommended that the unopened lane south of Van Horne Street, Sudbury, be closed by By-law, declared surplus to the City's needs and offered for sale to the abutting property owners.

A further report will follow with respect to the sale transactions and associated easements.

SCHEDULE 'A'



Unopened Lane south of Van Horne Street, Sudbury

PIN 73584-0927 (LT), east of Lots 101-105, Plan 2S, and east of Lot 101, Plan 33S, Township of McKim, City of Greater Sudbury

NTS

Date: 2015-11-06

SCHEDULE 'B'

Re: Lane Closure and Declaration of Surplus Land
Van Horne Street, Sudbury



View looking south from Van Horne Street