

Part of Alder Street, Sudbury Road Closure and Declaration of Surplus Land

Presented: February 22, 2021

Report Date: January 29, 2021

Background

The subject road measures 20 metres in width by 80 metres in length and has a split zoning of "MI-1", Business Industrial and "R2-3", Low Density Residential Two. The road is currently open and publicly maintained. The location of the subject road is identified on the attached Schedule 'A'.

In November 2015, the City received a request from the owners of 185 & 227 Lorne Street, Sudbury, to close and sell the subject portion of Alder Street. The proposed closure and sale was circulated to all City departments and outside agencies. At that time, the City's Operations section requested that the City retain a portion of the land for winter control purposes. In addition, the various utility agencies requested that easements be granted to protect existing plant. No further objections were received.

At the same time, the City consented to the subject portion of the road allowance being included in a rezoning application by the abutting land owner for the future development of their property.

In November 2016, City Council approved the rezoning application to permit the conversion of the former industrial building, located at 185 & 227 Lorne Street, Sudbury, along with a five-storey addition as a mixed use development containing 50 residential dwelling units and a mix of commercial and light industrial uses, which included the subject portion of Alder Street. The rezoning approval was subject to specific conditions, which included a provision that the land would be subject to a holding provision and that it would not be removed until such time as the owner had entered into an agreement to acquire or had acquired the portion of Alder Street to be closed to the satisfaction of the City Solicitor.

In April 2018, Council for the City of Sudbury passed a resolution approving Planning Committee resolution PL2018-42 declaring only *part* of the subject section of road allowance surplus to its needs with a view of offering the closed road allowance for sale to the abutting owner. Subsequent to this decision, Growth and Infrastructure had further meetings and discussions with the abutting owner. It was determined that it would be appropriate to dispose of all of that part of Alder Street, north of Willow Street and south of Victoria Street, subject to a blanket easement for City purposes, rather than retaining ownership of part of the said section of road allowance. The City will enter into a separate agreement with the abutting owner, likely during the site plan approval stage, to address specific matters related to landscaping, gates, snow removal areas, etc. The purpose of the secondary agreement would be to override the more general provisions in the blanket easement. The abutting land owner provided a rendering of the proposed park, easement (right-of-way) and winter maintenance access for the Committee's information, a copy of which is attached as Schedule 'B'.

In addition, it was also determined that blanket easements would be granted to Greater Sudbury Utilities Inc., Bell Canada and Union Gas to protect existing plant.

This report is being presented in order to close and declare surplus that part of Alder Street north of Willow Street and south of Victoria Street, in order to move forward with the potential sale of the road allowance to the abutting owner to the east. It will also allow the abutting owner to fulfill the condition imposed by the City's Planning Committee on their rezoning application, as to acquiring the portion of Alder Street.

Recommendation

It is recommended that part of Alder Street, Sudbury, north of Willow Street and south of Victoria Street, be closed by by-law and declared surplus to the City's needs and offered for sale to the abutting owner to the east.

If approved, a further report will follow with respect to the sale transaction. The by-law closing the road will not be presented to Council until the sale has been approved.

Resources

Planning Committee, Request for Decision, Oldenburg Inc. - Application for rezoning in order to permit the conversion of the former industrial building along with a five-storey addition as a mixed use development containing 50 residential dwelling units and a mix of commercial and light industrial uses, 185 & 227 Lorne Street, Sudbury, Planning Committee, November 21, 2016

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=6&id=995>

Planning Committee, Request for Decision, Part of Alder Street Sudbury – Road Closure and Declaration of Surplus Land, March 5, 2018.

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1219&itemid=14743&lang=en>