

COUNCIL REPORT

M&C No.	2019-196
Report Date	August 01, 2019
Meeting Date	August 19, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Initiate Closure of Portion of Mitchell Street

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Curtis Langille</i>	<i>Kevin Fudge/Ian Fogan</i>	<i>John Collin</i>

RECOMMENDATION

It is recommended Common Council adopt the following resolution:

1. That the Public Hearing to consider the passing of a By-law to Close a 1,689.2 square metre portion of a public street known as Mitchell Street, as shown on a Plan of Survey (see attached), be set for Monday, September 9, 2019 at 6:30 p.m. in the Council Chamber;
2. That Common Council authorize the publishing of a notice of its intention to consider passing of such By-law identified above; and
3. In the event that Common Council gives First and Second Reading to Amending a By-law as stated above, that Council withhold Third Reading pending a further report from City staff regarding the details of the possible sale of the area described in the aforesaid notice.

EXECUTIVE SUMMARY

Viva Developments Inc. is the owner of the property known as the Mitchell Street apartments which contain approximately 72 residential units. They recently purchased the property and are in the process of renovating the various dwelling units to make them habitable. It is their intent to close and acquire the land used for Mitchell Street and redefine/redevelop the area for parking, driveway and landscaped areas. Staff is in agreement with the portion of Mitchell Street, as shown on the attached plan of survey to be considered for closure and subsequent sale.

The details of the terms and conditions of the land transfer of this property along with the City's need to maintain some of its infrastructure are still being finalized. The recommendation contained in this report will facilitate the process for Council to consider the closing of the street as shown on a plan of survey (attached) and staff will provide an additional report for Council's consideration including the details of the conveyance prior to Third Reading.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

Providing for entrepreneur opportunities in the City and creating a livable community that is vibrant and diverse, while providing an integrated approach to economic development.

REPORT

Further to the comments contained in the Executive Summary.

Mitchell Street services only one property which is comprised of six buildings containing a total of approximately 72 apartment units. No other property is adjacent to or utilizes Mitchell Street for access purposes. The multi-unit development is owned by Viva Developments Inc. which recently purchased the property and is currently in the process of substantial renovations. The proponent is also planning to redefine/redevelop the parking areas, driveways and landscaped areas. In order to achieve this, the owner is seeking to close and acquire Mitchell Street to add to their land holdings.

Various City departments have been advised and are supportive of the proponent's development plans for this property and are in agreement to have Council consider the closure of a significant portion of Mitchell Street, as shown on the attached plan of survey. A small portion of Mitchell Street, where it intersects with Parks Street will be retained as a public street to provide access to an existing City lift station. The infrastructure contained within the "to be" closed portion of Mitchell Street would become the responsibility of the owner to maintain.

In the interim, the developer will be commencing some preliminary work on the piece of land used for Mitchell Street. The developer has named the City of Saint John on the insurance certificate to minimize any potential risk. Once again, various City departments have been advised and are supportive of this preliminary work.

The recommendation contained in this report will initiate the process to consider the street closing with a further report to be considered by Council detailing the terms and conditions of sale, prior to consideration of Third Reading.

SERVICE AND FINANCIAL OUTCOMES

There are no financial costs to the City associated with this project, while the reduction in City infrastructure required to be maintained would benefit the City.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Saint John Water, Transportation and Environment Services along with Infrastructure Development are all in agreement to have the surveyed portion of Mitchell Street closed and conveyed to the adjoining property owner. The City Solicitor's office has reviewed this report and is satisfied with the recommendation to Council.

ATTACHMENTS

1. Location Map; and
2. Plan of Survey

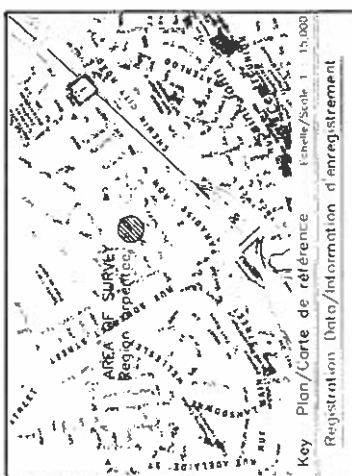


SAINT JOHN

Portion of Mitchell Street to be Closed



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Doc 1044200, Vol. 279, Pt. 4, 31b Hwy/194, Nov/Novembre 3, 1995
 New Brunswick, F26 No. 30

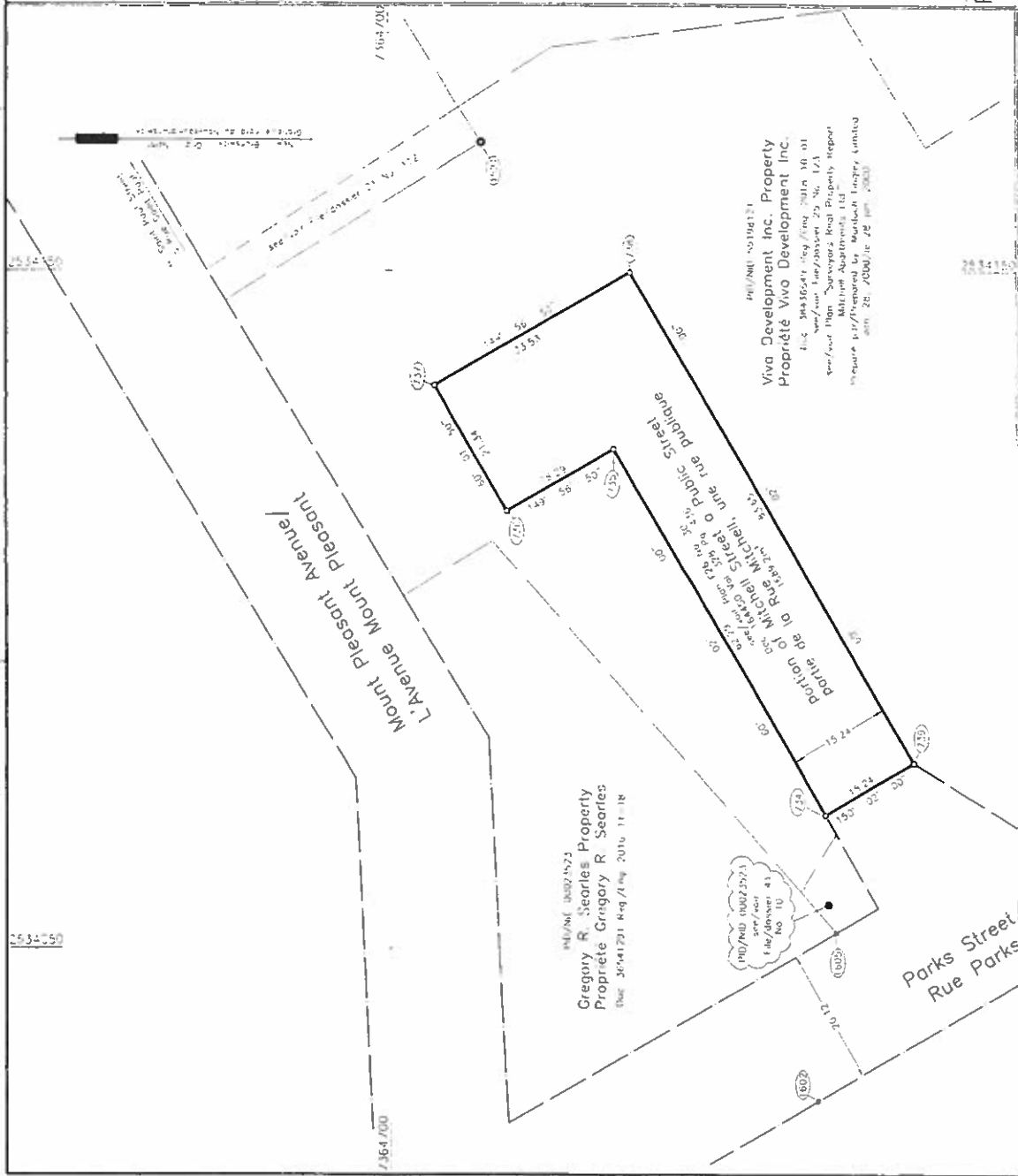
Notes

- 1) Directions are N 41.000 azimuths derived from observations on N. B. (NAD83) CIPUS 1984 Values.
- 2) The intersection of the survey lines is at the intersection of the survey lines.
- 3) All distances are in metres. The survey lines are measured in metres.
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Plan Of Survey/Plan d'Arpentage

Showing a portion of Mitchell Street.
 Montrant une portion de Rue Mitchell.
 City of Saint John.
 Ville de Saint John.
 Saint John County, New Brunswick.
 Comté de Saint John, Nouveau-Brunswick.

Consultants: HUGHES SURVEYS & CONSULTANTS INC.
 HUGHES SURVEYS & CONSULTANTS INC.
 1000 Highway 100, Saint John, New Brunswick, Canada A1B 1X9
 Tel: (506) 596-1111
 Fax: (506) 596-1112
 E-mail: hughes@hughes-surveys.com
 Date: July 31, 2019
 Drawn by: Mary J. Porter
 Checked by: Mary J. Porter
 Scale: 1:1000
 Units: Metres
 North Arrow: True North
 Projection: UTM
 Datum: NAD83
 Zone: 18N
 Spheroid: WGS84
 Ellipsoid: GRS80
 Prime Meridian: Greenwich
 Units: Metres
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 Datum: NAD83
 Zone: 18N
 Spheroid: WGS84
 Ellipsoid: GRS80
 Prime Meridian: Greenwich



Station	Angle	Distance	Grid Co-Ordinate	Values
1	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00
3	100.00	100.00	100.00	100.00
4	100.00	100.00	100.00	100.00
5	100.00	100.00	100.00	100.00
6	100.00	100.00	100.00	100.00
7	100.00	100.00	100.00	100.00
8	100.00	100.00	100.00	100.00
9	100.00	100.00	100.00	100.00
10	100.00	100.00	100.00	100.00
11	100.00	100.00	100.00	100.00
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38	100.00	100.00	100.00	100.00
39	100.00	100.00	100.00	100.00
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42	100.00	100.00	100.00	100.00
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46	100.00	100.00	100.00	100.00
47	100.00	100.00	100.00	100.00
48	100.00	100.00	100.00	100.00
49	100.00	100.00	100.00	100.00
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67	100.00	100.00	100.00	100.00
68	100.00	100.00	100.00	100.00
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70	100.00	100.00	100.00	100.00
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Legend/Legende

Centre Line / ligne de centre
 Boundary / limite
 Survey Line / ligne de bornage
 Survey Point / point de bornage
 Survey Station / station de bornage
 Survey Monument / monument de bornage
 Survey Marker / marque de bornage
 Survey Boundary / limite de bornage
 Survey Area / zone de bornage
 Survey Zone / zone de bornage
 Survey District / district de bornage
 Survey Region / région de bornage
 Survey County / comté de bornage
 Survey Province / province de bornage
 Survey Country / pays de bornage
 Survey World / monde de bornage

Scale Factor applied / facteur d'échelle appliqué

1:1000

Units / unités

Metres

North Arrow / flèche du nord

True North

Projection / projection

UTM

Datum / datum

NAD83

Zone / zone

18N

Spheroid / sphéroïde

WGS84

Ellipsoid / ellipsoïde

GRS80

Prime Meridian / méridien de Greenwich

Greenwich