

COUNCIL REPORT

M&C No.	2020-264
Report Date	October 20, 2020
Meeting Date	October 26, 2020
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Third Reading Stop-up and Closure of Portion of Algonquin Place

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>Melanie Tompkins</i>	<i>John Collin</i>

RECOMMENDATION

That Common Council proceed with the Third Reading to Amend a By-Law to Stop Up and Close a 511 sq. m +/- portion of a public street known as Algonquin Place, as shown on the attached plan of survey.

EXECUTIVE SUMMARY

W&S Holdings Ltd. is the owner of the property west of Algonquin Place and has agreements in place to assemble PNB and City of Saint John lands to facilitate a potential 3-Phase, 11-unit townhouse development along Riverview Drive. The development when finalized will represent approximately \$2.5 million in tax assessment.

Three items were necessary in order to assemble the various lands; secure a PNB (former NB Highway Corp.) parcel of land, secure City of Saint John parcels, including the “to be” stopped up and closed Algonquin Place, and secure a Municipal Plan Amendment and Rezoning. First and Second Reading of the street closure were held on June 22nd, 2020. The Third Reading of the Stop Up and Closure is the final requirement to effect the assembly.

The Province has advised W&S and the City that its parcel has been declared surplus, the deed will be transferred to McInnis Cooper to be held in Trust in late October or early November. The City may now perform the Third Reading of the Stop up and Closure which will allow the City lands to be assembled and the deed transferred in Trust to the same legal firm so all land sales can be completed and registered simultaneously. That portion of Algonquin Place, to be Stopped Up and Closed is shown on the attached plan of survey.

PREVIOUS RESOLUTION

“RESOLVED that as recommended by the Committee of the Whole having met on January 27th, 2020, Common Council adopted the following:

1. That Common Council declares PIDs 55226054 & 55226047 as surplus to its needs;
2. That Common Council agrees to ratify the Purchase and Sale Agreement between The City of Saint John and W&S Holdings Ltd. as attached hereto M&C # 2020-26;
3. That Common Council grants permission for W&S Holdings Ltd. to commence any Municipal Plan amendment or required application for planning approvals as well as the Stop Up and Closure process for Algonquin Place;
4. That the Public Hearing to consider the passing of a By-law to Stop-up and Close a 511 square metre portion of a public street known as Algonquin Place, as shown on a Plan of Survey (as submitted), be set for Monday, March 9, 2020 at 6:30 p.m. in the Council Chamber, 8th floor City Hall;
5. That Common Council authorize the publishing of a notice of its intention to consider passing of such By-law identified above;
6. 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 an adjoining parcel of the Provincially owned property to W&S Holdings.; and
7. In the event that the portion of street specified above in (4) is stopped-up and closed, Common Council assent to any required easement for municipal services required to protect and service its infrastructure, prior to the conveyance of the property.”

And further “RESOLVED that as recommended by the Committee of the Whole having met on May 25th, 2020, Common Council adopted the following:

1. That the Public Hearing to consider the passing of a By-law to Close a 511 square metre portion of a public street known as Algonquin Place, as shown on a Plan of Survey (see attached), be set for Monday, June 22, 2020 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 an adjoining parcel of the Provincially owned property to W&S Holdings.

REPORT

Further to the comments contained in the Executive Summary.

At its meeting of January 27, 2020 Common Council received a report and several recommendations regarding a proposed three phase, 11-unit town house development along Riverview Drive, which attempted to accomplish a variety of actions including but not limited to the following:

- ✓ Declaring two City owned parcels surplus to its needs
- ✓ Ratifying a conditional Agreement of Purchase and Sale
- ✓ Provided W&S the right to pursue a Municipal Plan Amendment as well as a Stop up and Closure process for Algonquin Place

At its meeting of May 25th, 2020 Common Council received a report to commence the process to Stop Up and Close a portion of Algonquin Place. This report provided for the following;

- ✓ To set the date for the Stop Up and Closure for the Public Hearing for June 22, 2020.
- ✓ Authorize the publishing of the public notice to consider the Stop Up and Closure of Algonquin Place

The Public Hearing was held with first and second reading given for the Stop Up and Closure. Third Reading was to be withheld to ensure the assemblies of land was complete that would ensure the project could proceed as envisioned and that there were no land locked parcels created in the process of assembly.

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 finalize the closure of a portion of Algonquin Place. The "to be" closed street will be subject to an easement in favor of the City for storm water.

The recommendation contained in this report will facilitate the process to finalize the street closing.

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.

SERVICE AND FINANCIAL OUTCOMES

There are no financial costs to the City associated with this project.

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 Algonquin Place closed and conveyed to the developer. 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