

COMMON COUNCIL REPORT

M&C No.	2021-170
Report Date	June 09, 2021
Meeting Date	June 14, 2021
Service Area	General Counsel

Her Worship Mayor Donna Noade Reardon and Members of Common Council

**SUBJECT: Easement for Pedestrian Access in Favour of Civic #50 Princess Street
(Ritchie Building)**

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Curtis Langille</i>	<i>Melanie Tompkins</i>	<i>John Collin</i>

RECOMMENDATION

1. That the City grant an easement to 2753272 Ontario Inc. for Pedestrian Access over PID No. 304683 (the "City Lands"), such easement to be approximately 23.23 square metres (250 square feet), as generally shown on the sketch titled "Pedestrian Access in Favour of Civic #50 Princess Street ("Ritchie Building"), dated June 8, 2021 attached to M&C 2021-170, in consideration of the sum of \$1,000.00 and subject to the following conditions:
 - a) That the Grantee, at its own cost, prepare any plan of survey required to depict the easement area and effect the conveyance;
 - b) That the Grantee, at its own cost, repaint the five parking spaces that must be relocated on the City Lands, as shown on the above noted sketch;
 - c) That the Grantee, at its own cost, place the necessary barriers, in accordance with requirements of the National Building Code of Canada, to protect the access to the Ritchie Building from the City Lands;
 - d) That the Grantee be responsible, at its own cost, for the maintenance of the easement area, including snow removal and any reinstatement and continued maintenance of the finished surface of the easement area;
 - e) That the Grantee pay for all registration and filing fees required by Service New Brunswick, if applicable, for the plan of survey and Grant of Easement; and

2. That the Mayor and City Clerk be authorized to execute the documents necessary to effect the conveyance of the easement.

EXECUTIVE SUMMARY

A numbered company, 2753272 Ontario Inc. recently purchased the property at civic #50 Princess Street (Ritchie Building) with plans of renovating the vacant upper floors and converting them into fourteen (14) new apartment units. The Ritchie building is 3 to 4 stories high and the upper floors have been vacant for more than 40 years. To achieve the intended increase in density, the architectural plans showing the design of the interior of the building require two new main-doors located on the south-side of the Ritchie building; one for tenant access to the upper floor residential units, and the other for a garbage disposal area. There is a third door which has been in existence for a number of years that provides access for one existing dwelling unit. The National Building Code of Canada requires the main-doors noted above to have access to a public thorough-fare, that being Canterbury Street. The City owns the adjoining lot, identified as PID No.304683 where the proponent requires an access from their building at civic #50 Princess Street. This lot is vacant and provides access to five (5) parking spaces on-site in addition to a driveway access to the property to the rear.

Real Estate Services has negotiated with the owner of the Ritchie building to provide an easement for pedestrian access from their building to Canterbury Street, subject to the Terms and Conditions contained in the recommendation to Council. If Council is in agreement, adoption of the recommendation contained in this report will facilitate the required easement and provide for the renovation of the upper floors of the Ritchie building for 14 new residential units.

PREVIOUS RESOLUTION

N/A

REPORT

The lands proposed to be subject to the recommended easement have been owned by the City for a number of years. The purpose of this lot is mainly to provide access to the parking areas, located on adjoining properties to the rear of this lot. In addition, five parking spaces are situated on these lands, adjacent to the Ritchie building. The lot is further encumbered by a 3.66 metre wide utility easement that runs parallel to the south-side property boundary. There is very little value to this lot, other than what has been described above.

The conditions we recommend be attached to the proposed easement will facilitate the requirements of the National Building Code that would provide for the required egress to and from the Ritchie building. The proponent will bear

the responsibility for all costs associated with the granting of this easement; including the preparation of a plan of survey, SNB registration and filling fees, repainting the parking lines and any maintenance of the easement area, including snow removal. The proponent will also be responsible for a one-time \$1,000.00 fee for consideration of this grant of easement. If approved, Building Inspection would be in a position to issue a building permit to allow the required renovations to move forward. The increase in density of residential units in the City's Uptown, increased tax base to the City and the enhanced utilization of the current, vacant upper floors of this building are a win/win situation for all involved.

STRATEGIC ALIGNMENT

Providing for entrepreneurial opportunities in the City's Uptown Core aids in creating a livable community that is vibrant and diverse, while providing an integrated approach to economic development.

SERVICE AND FINANCIAL OUTCOMES

The addition of 14 residential dwelling units in the City's Uptown area will increase the desired density of this neighbourhood, while enhancing the vitality of this area and utilizing existing City services. This easement will generate a one time \$1,000.00 in revenue to the City, while increasing the tax base to the City.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Growth and Community Services (Building Inspection and Planning) and the Saint John Parking Commission have provided input into the preparation of this report. The General Counsel's office is satisfied with the easement conditions and will draft the Grant of Easement which will reflect those conditions.

ATTACHMENTS

1. *Location Map; and*
2. *Site plan.*