

STAFF REPORT:

The Blue Mountains Planning and Building Services Dept.



REPORT TO: Planning and Building Committee
DATE: September 8, 2010
REPORT NO.: PL.10.81
SUBJECT: Application to Stop Up and Close a
Portion of Pilsen Way
Part 3, Plan 16R-6360
Part of Lot 19, Concession 2
Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Planning Staff Report PL.10.81, “Application to Stop Up and Close a Portion of Pilsen Way, Part 3, Plan 16R-6360, Part of Lot 19, Concession 2, Town of The Blue Mountains”; and

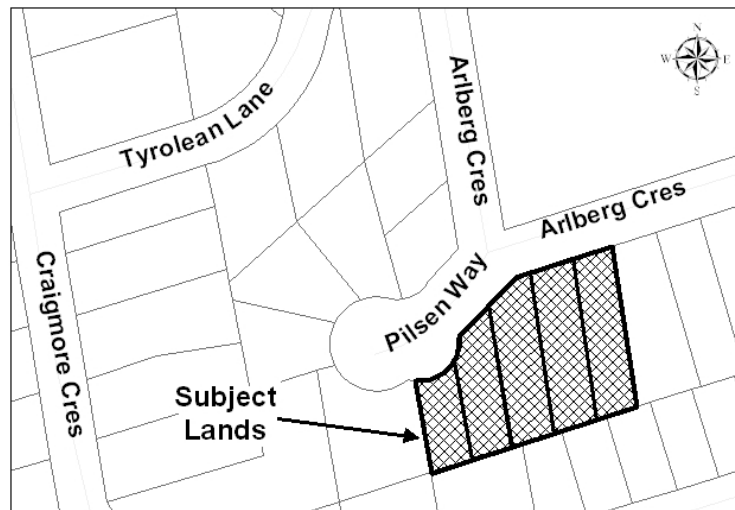
THAT Council authorize the sale of a portion of Pilsen Way road allowance described as Part 3, Plan 16R-6360 to the adjacent land owner to the South at a cost of \$33,153 plus any additional costs associated with the transfer of land.

THAT Council enact a By-law to stop up and close the portion of Pilsen Way described as Part 3, Plan 16R-6360

B. Background

A request to stop up and close a portion of Pilsen Way described as Part 3, Plan 16R-6360 has been received by Travis and Associates Inc, on behalf of Dr. Ian Cunningham.

Location of Lands Owned By Dr. Cunningham



In July 2009, Dr. Cunningham received conditional consent approval to create a total of 5 new vacant residential lots off of Arlberg Crescent and Pilsen Way. Through the Consent process, Planning Staff Report PL.09.80 identified that a portion of an old road allowance remains in place adjacent to the Dr. Cunningham lands. The cul-de-sac is constructed as Pilsen Way and is located on and adjacent to the original road allowance, with a small portion of the original road allowance not being used. This portion is identified as Part 3 of 16R-6360 (see attached) and is no longer required by the Municipality. This portion should be formally stopped up and closed and disposed of in accordance with Town policy. Earlier this year, Council deemed this section of road allowance as surplus to the needs of the Municipality and authorized Staff to proceed with a Public Meeting. Town Staff provided public notice and held a Public Meeting on June 7, 2010 for the By-law that would stop up and close a portion of Pilsen Way. No written or verbal comments were received from this notice.

In August 2010 the conditions of consent for each of the lots to be created were satisfied including the completion of a Development Agreement that included cost recovery provisions for existing constructed works, and to ensure the proper and orderly development of all five lots.

In order to determine the value of the land to be transferred, the applicant has submitted a set of appraisals as part of the original five-lot development proposal which can also be used to calculate the value of the portion of road allowance to be deeded to the owner. The appraisals have established the value of land at \$11 per sq ft. Based on the 0.028 ha (3,014 sq ft) of land to be transferred, the total value of the unopened portion of Pilsen Way is \$33,154.00

Based on the foregoing, it is our opinion that this section of road allowance be stopped up and closed and transferred to the adjacent land owner at a cost of \$33,154.00, plus any additional costs related to the transfer of land such as surveying, registration or legal costs.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community".

D. Budget Impact

1. \$33,154 revenue.

E. Attached

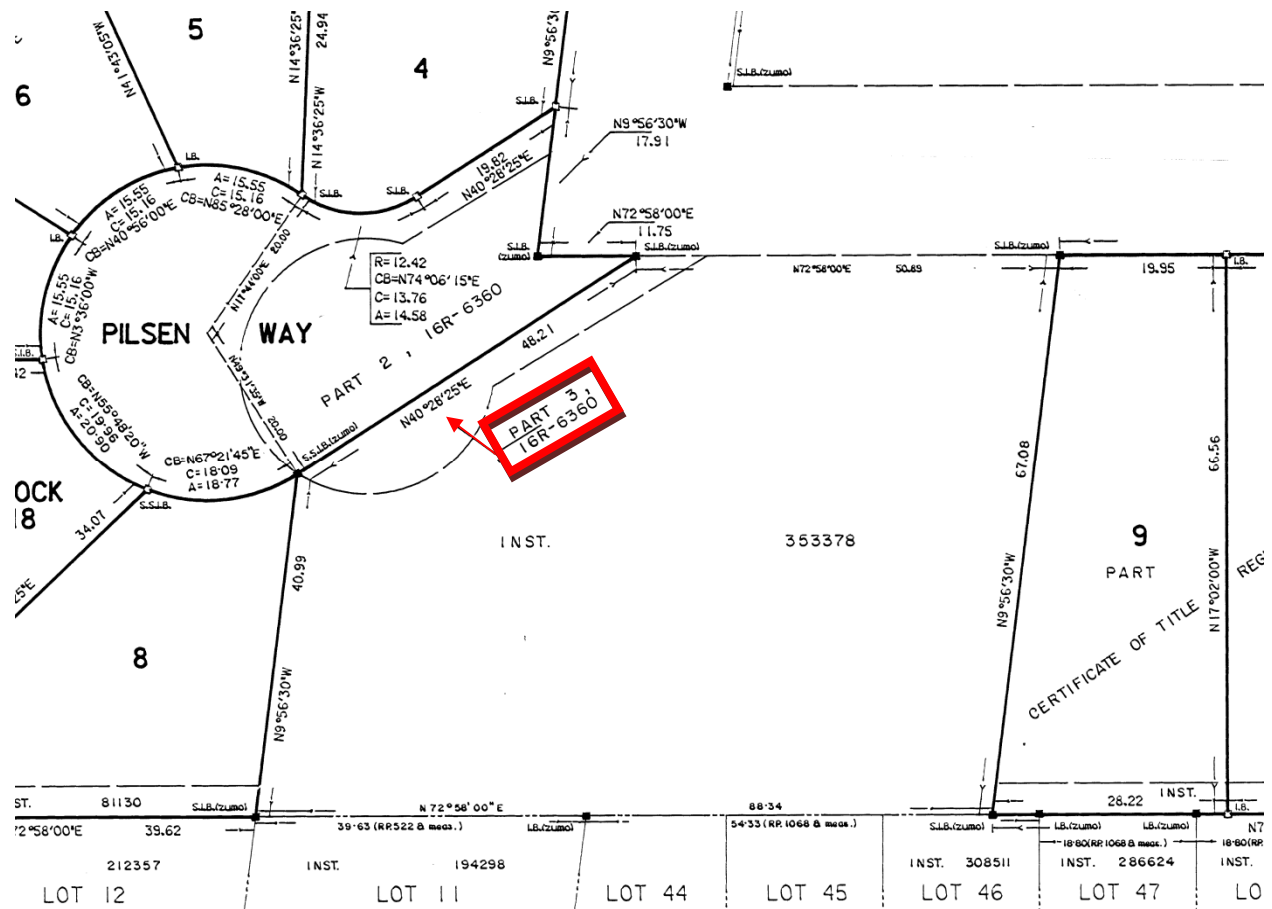
1. Excerpt from Registered Plan of Subdivision 1107 - Part 3 of 16R—6360 (below)
2. Draft By-law to Stop up and Close a portion of Pilsen Way

Respectfully submitted,

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1. Excerpt from Registered Plan of Subdivision 1107 – Part 3 of 16R-6360



THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2010-_____

Being a By-law to permanently close a portion of municipal highway

WHEREAS Sections 9, 11 and 34 of the *Municipal Act, 2001, S.O.2001, C. 25* (the "Act"), enables a municipality to pass by-laws permanently closing highways;

AND WHEREAS Council has deemed it to be in the public interest to permanently close the portion of municipal highway extending along the south portion of Pilsen Way;

AND WHEREAS Council did adopt, in accordance with Section 270 of the Act, Policy POL.COR.07.03 (the "Policy") to prescribe the form and manner for the giving of public notice of its intention to consider this by-law;

AND WHEREAS public notice of the intention to enact this by-law has been given in accordance with the requirements of the Policy and a Public Meeting was held on June 7, 2010 to hear input on the proposed by-law from interested persons;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT the portion of municipal highway identified as Part 3 of Registered Plan 16R-6360 is hereby permanently closed.
2. This By-law shall come into force and take effect upon the registration of a certified copy of this By-law in the Land Registry Office for the Registry Division of Grey (#16).

ENACTED and PASSED this _____ day of _____, 2010

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Ellen Anderson, Mayor

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Corrina Giles, Clerk