

ITEM 14
MANAGER'S REPORT NO. 77
COUNCIL MEETING Oct. 15/73

14. Re: Simpsons-Sears' Parking Lot
Property Consolidation and Associated Road Closures

The following is the report of the Planning Director dated October 12, 1973, regarding the above.

RECOMMENDATIONS:

THAT the recommendations of the Planning Director be adopted; and

THAT the Municipal Solicitor be asked to prepare the necessary formal Agreement confirming the Company's intention to proceed with the proposal.

PLANNING DEPARTMENT
12 OCTOBER, 1973

SUBJECT: SIMPSONS-SEARS' PARKING LOT -
PROPERTY CONSOLIDATION AND ASSOCIATED ROAD CLOSURES

At the October 23, 1967 meeting of Council, the Council adopted a Manager's Report proposal to cancel certain streets in the vicinity of the Simpsons-Sears' parking lot and to approve of the consolidation of the redundant allowances with the Company's various holdings into one site. In return, the Municipality is to obtain the 16.5 foot widening of Kingsway from the west boundary of Simpsons-Sears' holdings to the Nelson Avenue intersection, the land required for the diversion of Fern Avenue to Nelson, funds to cover costs of constructing the Fern Diversion, curbing of redundant entrances, and the commutation of all local improvement charges, together with all necessary easements. All of the above is to be provided at no cost to the Corporation, and provides for improved traffic movements to and from Nelson Avenue.

A copy of the item from Manager's Report No.68, 1967, which was adopted, is attached for reference.

Since that date, various steps in the process of implementing the agreement have been taken as circumstances have permitted. A Road Closing By-law effecting the closure of portions of Bonsor Avenue, Irving Street, and the lane east of Bonsor lying within the boundaries of the proposed consolidated site has been passed and an Order-in-Council obtained providing for vesting of title to those lands. A master subdivision plan and easement right-of-way plan have been prepared for registration and the redundant entrance of Irving Street to Nelson Avenue together with the portion of Brief Street have been curbed. The matter of arranging for the dedication of the land necessary for the Fern Avenue Diversion however, has involved lengthy and complex negotiations between the Company and affected neighbouring private owners, and this has created the major obstacle to implementing the total scheme at an earlier date. In order that the Fern Diversion might be created at a suitable location from a traffic standpoint, it was agreed that finalization of the consolidation would await the satisfactory conclusion of the Fern Avenue matter and obtaining of the necessary consents from the other owners.

The Planning Department has now received an executed copy of a four-party private agreement between Simpsons-Sears Limited and three adjacent owners which will make it possible for Simpsons-Sears to satisfy the road dedication requisite for the new alignment, and it is now in order to complete the implementation of the 1967 agreement with the Municipality.

The attached sketch #1 indicates the ultimate site consolidation contemplated and the proposed alignment for the Fern Diversion. This route provides for an improved principal entrance condition to the Simpsons-Sears property approximately 216 feet north of the present intersection of Fern Avenue at Nelson, and eliminates traffic congestion at that intersection resulting from awkward turning movements and limited storage for vehicles between that point and the Kingsway intersection. Easements to contain existing services will be required over the portion of road to be cancelled.

The aforementioned agreement between the private parties requires that the closure of the relevant portion of Fern Avenue, the vesting of title, and approval of the various subdivision plans involved, be completed by the 31st of December, 1973. In order that this deadline be met, it is imperative that action be taken directly to accomplish the final necessary steps. We are advised by Simpsons-Sears' Solicitor, however, that there are a number of time-consuming operations involved in resurveying the property and obtaining trustees' consents and the like to the overall subdivision plan for the entire site per the 1967 agreement, while the more localized subdivisions related to the road dedication and Fern Avenue closure can be achieved in a relatively straightforward fashion at this time. In this manner the requisite condition for providing land for the Fern Diversion will be met. It is therefore recommended that Council's approval in principle be obtained to the closure of that portion of Fern Avenue shown on Sketch #1, as well as to the phasing of the creation of the ultimate property consolidation as provided in the 1967 agreement, to allow the consummation of the private agreement which provides for the new road dedication at this time.

The Company is prepared to enter into a formal Agreement with the Corporation to assure its intentions to proceed forthwith to complete all its outstanding obligations and to finalize the registration of the overall subdivision plan per the 1967 agreement without delay. At this time, up-to-date cost estimates and other pertinent information relative to the remaining conditions are being obtained in order that Simpsons-Sears may complete the outstanding conditions.

RECOMMENDATION:

It is therefore recommended THAT:

- 1) The Council approve in principle the concept of proceeding at this time with the Fern Avenue closure and vesting of title, new road dedication, and associated subdivisions, preliminary to accomplishment of the overall subdivision, subject to the Agreement mentioned above.
- 2) The Council authorize the introduction of a Road Closing By-law for that portion of Fern Avenue north of the proposed Fern Diversion.
- 3) The Council authorize acceptance of the 66 foot road dedication for the Fern Diversion as indicated on Sketch #1.

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- 4) The Council approve the vesting of title to the closed portion of Fern Avenue in the abutting owners in exchange for the new road dedication and construction to full Municipal standards, and
- 5) All of the above be provided without cost, legal expenses, or survey expenses to the Corporation.

Respectfully submitted,



A. L. Parr,
DIRECTOR OF PLANNING

DGS:ea

Attchmts.

c.c. Municipal Solicitor ()
Municipal Engineer ()

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REPORT NO. 68, 1967,
MUNICIPAL MANAGER
20 October 1967.

Re: Simpsons Sears Parking Lot.

Approximately two years ago, Simpsons Sears acquired title to all properties in the block bounded by Brief, Bonsor, Irving and Fern. Just prior to the passage of the current Zoning By-law, they applied for permission to use the site for parking under section 13 of the old Town Planning By-law and this permission was granted by Council on the understanding that Simpsons Sears Ltd. would undertake suitable landscaping of the property in order to protect residential amenities in the area.

Following the granting of this approval, the Department and Simpsons Sears representatives met to discuss landscaping, points of ingress and egress and of more significance, the problems of traffic circulation on the existing street pattern. A number of schemes were examined and tested and the attached plan represents the proposal which is acceptable to the Department and to Simpsons Sears and Super Valu, the two main land owners involved.

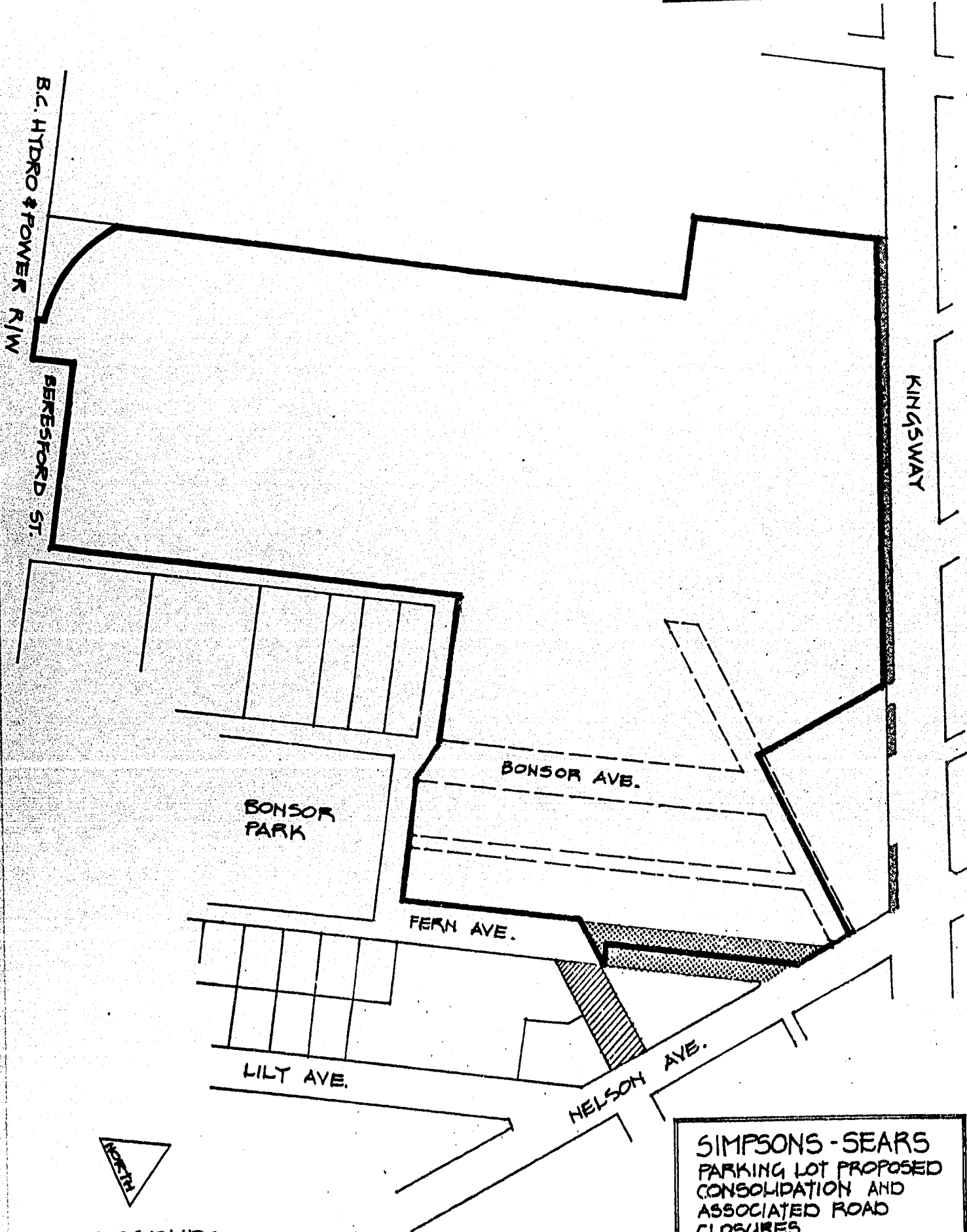
Briefly, the proposal shown on plan E.1894-1 has the obvious advantage to Simpsons Sears of allowing them to expand and consolidate their holdings. The advantages to the Corporation are twofold - the maintenance of redundant allowances is removed and secondly, the problem of traffic congestion at the Kingsway-Nelson intersection is reduced by the relocation of the Shopping Centre entrance some 300 feet south of the present location.

Proposal:




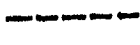

1. It is proposed to cancel the following streets:
 - (a) Irving Street from Nelson Avenue west.
 - (b) Bonsor Avenue from Brief Street to Irving Street.
 - (c) Bonsor lane from Brief Street to Irving Street.
 - (d) Fern Avenue from Nelson Avenue to the Fern Diversion.
2. It is proposed that the redundant allowances and the various Simpsons Sears holdings would be consolidated into one site.
3. In exchange for the redundant allowances, ~~the Corporation~~ ^{SIMPSONS SEARS} will agree to the following:
 - (a) Provide easements for all services located within the allowances.
 - (b) Provide the land required for the Fern Diversion.
 - (c) Provide funds to construct the Fern Diversion to Corporation standards.
 - (d) Provide funds to curb that portion of Brief Street west of Bonsor Avenue and the redundant entrances of Irving Street and Fern Avenue onto Nelson Avenue.
 - (e) Provide the Corporation with the 16.5' Kingsway widening between the west boundary of the site and Nelson Avenue.
 - (f) Provide funds to commute all Local Improvements Charges for the Fern Avenue frontage.
 - (g) Provide to the Corporation, all of the above without cost, legal expenses or survey expenses.

It is recommended that the proposal be approved. The necessary By-laws will be presented to Council as required.

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LEGEND:

-  INITIAL PHASE - ROAD DEDICATION
-  INITIAL PHASE - ROAD CLOSURE
-  SECOND PHASE - ROAD WIDENING
-  ROADS NOW CLOSED
-  PERIMETER OF PROPOSED CONSOLIDATED SITE

SIMPSONS - SEARS
 PARKING LOT PROPOSED
 CONSOLIDATION AND
 ASSOCIATED ROAD
 CLOSURES

SCALE: 1" = 200'
 DRAWN BY: LBB
 DATE: OCT., 1973

SKETCH #1