



PORT COLBORNE

Subject: Stop Up and Close Barrick and Elm

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2024-129

Meeting Date: June 25, 2024

Recommendation:

That Office of the Chief Administrative Office Report 2024-129 be received; and

That the By-law attached as Appendix C, being a By-law to stop up and close a portion of Part of Lot 29, Concession 2 Humberstone, being Part 1, Plan 30R-16228; Port Colborne, be approved; and

That the Mayor and Acting City Clerk be directed to sign all necessary documents.

Purpose:

City staff are requesting Council approval of a Stop Up and Close By-law for a public highway legally described as Part of Lot 29, Concession 2 Humberstone, being Part 1, Plan 30R-16228; Port Colborne shown in Appendix A.

Background:

The City property shown in Appendix A is currently considered a City road. Before this City property can be divested, a Stop Up and Close By-law must be approved by Council, and then a parcel can be created through a legal survey that can be conveyed to the purchaser.

The owners of the adjoining property (as shown in Appendix B) made a formal request and provided the fee to purchase City property through the [City's Real Estate webpage](#). Council approved selling the property to 1000427593 Ontario Inc. by Report 2023-133.

The property was declared surplus at the August 23, 2022, Council meeting via Report 2022-184, and an agreed upon sale was confirmed by Council on November 28, 2023, via Report 2023-133. As the expected closing date approached in April of 2024, this road

allowance was identified and led to the Stop Up and Close Public Meeting report. The approval of the recommendation in Public Meeting Report 2024-121, on May 28, 2024, to bring a Stop Up and Close Report to Council, has resulted in this report.

Discussion:

The subject parcel does not generate any tax revenue for the City and is not required for operational or maintenance reasons. The property is in the Fourth Density Residential (R4) zone and would facilitate and increase the residential development on the adjoining property.

Staff believe that a better use of this property would be achieved through private ownership. Closing this public highway, which is an unopened road allowance, and conveying it to the private sector would fulfill the goals of the surplus land review to support development opportunities and expand the City's tax base.

The approval of the Stop Up and Close By-law is next step in the dispersal of this property which City Council has previously agreed upon. The closing date of the property sale transaction is scheduled for mid-July 2024.

Internal Consultations:

Economic Development and Tourism Services (EDTS) reviewed the request and circulated it to other departments for comment. EDTS, Public Works, and Planning staff collaborated on the boundaries of the Stop Up and Close area requested in Appendix A. City departments have no plans for the property, and do not foresee any future use for the portion of the road network that is proposed to be closed in this report.

Financial Implications:

Costs associated with the disposal of this property namely the public notice, will be recovered through the land sale. Additional associated costs such as the survey and City legal closing costs have already been included in the final sale price of \$224,323.47.

Public Engagement:

The Public Meeting notice was posted on the City's website starting on May 2, 2024. The notice was also advertised for four (4) consecutive weeks including May 2, May 9, May 16, and May 23, 2024, in the Welland Tribune, as per the Public Notice Policy. The Public Meeting was held on May 28, 2024, and no comments were received or made by the public for this Public Meeting.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Increased Housing Options
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Conclusion:

The Economic Development and Tourism Services Division received a request and application fee from the owners of 1000427593 Ontario Inc. to purchase municipal property. Council approved the request. In the subsequent work to complete this transaction it was discovered that a Stop Up and Close By-law would be required for the transfer to be completed and facilitate future residential development.

City staff recommend that the City property, as shown in Appendix A, which is registered as a City road allowance and described as a portion of Part of Lot 29, Concession 2 Humberstone, being Part 1, Plan 30R-16228 be closed with a Stop Up and Close By-law attached as Appendix C.

Appendices:

- a. Proposed Stop Up and Close – Portion of Road Network public highway Part of Lot 29, Concession 2
- b. Adjacent property owned by 1000427593 Ontario Inc.
- c. Stop Up and Close By-law

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.