



Subject: Proposed Stop up and Close By-law for Borden Avenue Road Allowance

To: Council

From: Chief Administrative Office

Report Number: 2022-34

Meeting Date: April 12, 2022

Recommendation:

That Office of the Chief Administrative Officer Report 2022-34 be received; and

That the Stop Up and Close By-law, being a By-law to stop up and close the unimproved Borden Avenue Road Allowance, legally described as Part of the road allowance between Lots 15 and 16 on Plan 10, and Lots 23 and 24 on Plan 33 between Steele Street and Knoll Street be approved.

Purpose:

This report is being written regarding the creation of a Stop Up and Close By-law for the Borden Avenue Road Allowance legally described as Part of the road allowance between Lots 15 and 16 on Plan 10, and Lots 23 and 24 on Plan 33 between Steele Street and Knoll Street. The Borden Avenue Road Allowance is shown in Appendix A attached to this report.

Background:

The Economic Development and Tourism Services Division has undertaken a review of City owned property to identify potential surplus lands. The Borden Avenue Road Allowance has been identified during this exercise as being potential surplus property for future development. The property has been vacant for many years and is not required for future road and transportation purposes. The first step in this process would be a Stop Up and Close By- Law.

There are some existing private encroachments on the City property by neighbouring property owners.

The property is owned by the City of Port Colborne and is legally part of Borden Avenue which was laid out as a public highway under a plan of subdivision registered in 1914. There is no record of a road closing by-law registered on title.

Discussion:

A public meeting was held on March 15, 2022 to allow residents an opportunity to delegate before Council on the proposed Stop Up and Close By-law for the Borden Avenue road allowance.

At that meeting Ken and Wendy Busch delegated before Council and raised the following concerns:

- They would like to see nothing happen to the property or for it to remain as a road allowance for their personal use.
- They would be interested in purchasing the property or part of the property if it were put up for sale.

This property is currently generating no tax assessment for the City and is maintained by City staff. Public Works has identified Borden Avenue as not being required for future road or transportation purposes. In addition, there are potential liability issues with residents using City property for personal use.

Staff recommend that the Stop Up and Close By-law for the Borden Avenue road allowance be approved.

Once the Stop Up and Close process has been finalized, City staff will work with the neighbours to address the encroachment issues. Staff will also bring a report to Council requesting the lands be declared surplus pursuant to the City's Sale of Land Policy.

Internal Consultations:

The Planning Division has identified three encroachment issues with the neighbouring properties that can be resolved as part of this process to close the Borden Avenue road allowance.

Public Works have identified two catch basins on the road allowance connected to the roadside catch basin. Staff have requested that any future sale include a clause stating that the pipes and catch basins will become privately owned and the city will not maintain them.

Financial Implications:

There are no financial implications at this time.

Public Engagement:

Letters were sent to the owners of the four homes that border the City property to explain the process being followed by the City. Public Notice was provided through ads in the Port Colborne Leader on February 3rd, 10th, 17th and 28th for the Public Meeting held on March 15th, 2022.

Strategic Plan Alignment:

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

- Attracting Business Investment and Tourists to Port Colborne
 - Service and Simplicity - Quality and Innovative Delivery of Customer Services
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Conclusion:

The Borden Avenue Road Allowance has been identified as potential land that could be declared surplus and made available to support infill development opportunities and expand the City's tax base. It is recommended that the Stop Up and Close By-law be approved to mitigate the City's risk and may provide opportunity for future residential development.

Appendices:

- a. Map of the Borden Avenue Road Allowance
- b. Stop Up and Close By-Law

Respectfully submitted,

Bram Cotton
Economic Development Officer
(905) 835-2900 Ex 504
Bram.Cotton@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
(905) 835-2900
Gary.Long@portcolborne.ca

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.