



Subject: Borden Avenue Road Allowance – Surplus Declaration

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-120

Meeting Date: June 14, 2022

Recommendation:

That Chief Administrative Officer Report 2022-120 be received; and

That Council declare the closed 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, shown as Appendix A, as surplus; and

That staff be directed to work with the adjoining landowners regarding the creation of parcels to address current encroachments and provide an opportunity to purchase the parcels at fair market value; and

That Economic Development and Tourism staff be directed to create one building lot on the west half of the Borden Avenue Road Allowance and sell the property in accordance with the Sale of Land Policy.

Purpose:

The purpose of this report is to have the Borden Avenue previously closed road allowance declared surplus.

Background:

The Economic Development and Tourism Services Division has undertaken a review of City owned properties 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 was laid out under a plan of subdivision in 1914 and has been vacant for many years. It is not required for future road and transportation purposes. A Stop up and Close By-law was approved April 12, 2022, and a report was

received at a public meeting on May 17, 2022, to propose zoning for the property. A Planning report will come back to a future meeting of Council with recommendations.

Declaring the land as surplus will allow for the existing encroachment issues with neighbouring property owners to be addressed and for the City to create an infill residential building lot. These transactions will be completed in accordance with the City's Sale of Land Policy and Council approval.

Discussion:

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.

Upon the declaration of this property as surplus, staff will move forward with a listing on MLS for the Knoll Street lot (west side of Borden Avenue Road Allowance) and prepare a plan with adjoining property owners to address the encroachments through a new survey. Staff will bring forward a report and purchase agreements to Council for review and approval.

Internal Consultations:

Planning and Public Works have identified three encroachment issues with neighbouring property owners. 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 the pipes and catch basins will become privately owned and the city will not maintain them.

Financial Implications:

There are no immediate financial implications to this report. Developing this property will result in property taxes, water/wastewater and storm sewer fees. It will remove potential liabilities issues with residents using City property for personal use and save Public Works time from maintaining the property, although these time costs are anticipated to be minimal.

Public Engagement:

Public engagement was conducted through the Stop up and Close process and public notice was provided in the Port Colborne Leader Feb 3rd, 10th, 17th and 28th for the public meeting on March 15, 2022. The zoning process has been initiated with the public meeting held on May 17, 2022, public notice was provided in accordance with the Planning Act.

Neighbouring property owners with encroachment issues have also been directly consulted

Strategic Plan Alignment:

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

- Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
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Conclusion:

The Borden Avenue Road Allowance has been identified as surplus in the City land review and can be made available to support infill development and address long-standing encroachment issues. Council approved the necessary Stop up and Close By-law on April 12, 2022, and received a zoning by-law amendment report for information on May 17, 2022. A report will be presented to Council at a future meeting with planning recommendations.

It is recommended that staff move forward with the sale of the land following the zoning of the property. Staff will also work with the adjoining property owners on a plan to address the encroachments through a new survey.

Appendices:

- a. Property Map – Borden Avenue Road Allowance

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.