



**Subject: Hubbard Drive – Application for Approval to Expropriate**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-171

Meeting Date: August 9, 2022

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**Recommendation:**

That Office of the Chief Administrative Office-Economic Development and Tourism Division Report 2022-171 be received; and

That Council supports the recommendations contained in Report 2022-171 to proceed with an application for approval to expropriate Hubbard Drive, legally described in PIN 64150-0014 and being Pt Lt 26 Con 2 Humberstone, Pt 4 of 59R-1034 and that staff engage the City Solicitor to initiate the process.

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**Purpose:**

The purpose of this report is to obtain Council support to initiate the Application for Approval to expropriate Hubbard Drive which is a thirty (30) ft. right-of-way shown on Appendix A. This expropriation would assist in addressing servicing requirements that would ultimately help to facilitate future residential development of an adjoining parcel that had received draft plan approval in the past.

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**Background:**

Hubbard Drive is currently an unmapped laneway in the City of Port Colborne and is a thirty (30) ft. right of way. The laneway sits adjacent to a Draft Plan of Subdivision formerly known as Chippawa Estates. It is currently zoned Residential Development (RD).

Through the Chippawa Estates Draft Plan of Subdivision process, the issue of access and the potential to use Hubbard Drive was discussed between the Planning Division and the landowner. A court order was obtained in 2007 that stated that the Chippawa Estates land, identified as Part of Lot 26, Concession 2, being Part 3 on Plan 59R-

12304 as shown on Appendix B, could be accessed via Hubbard Drive. However, municipal services are not permitted to be installed under a private laneway. The Draft Plan of Subdivision for Chippawa Estates lapsed in 2021.

Hubbard Drive has been owned privately since at least 1939 and there is currently no information available to be establish contact with the owner or an estate.

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### **Discussion:**

The City of Port Colborne is experiencing unprecedented growth in planning applications and demand for new housing. The subject parcel, legally described as Pt. Lot 26, Concession 2, being Part 3 on Plan 59R-12304 and shown on Appendix B, could be developed with new residential housing. However, the private laneway is preventing services from being installed that would allow for the development of the adjoining lands, formerly known as Chippawa Estates. Residential development would attract new residents, new users to the water and wastewater systems, and expand the City's tax base.

The expropriation of Hubbard Drive, shown in Appendix A, would help to facilitate the servicing, access, and development options for lands shown in Appendix B. Once the expropriation process has been completed, staff will come back with a report regarding options for the sale and transfer of Hubbard Drive.

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### **Internal Consultations:**

This proposed expropriation has been reviewed with Planning and Public Works. They are supportive of the City acquiring ownership of the parcel and having further discussions regarding servicing, access, and development options for the land shown in Appendix B and including this in a future agreement with a developer.

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### **Financial Implications:**

The cost of the expropriation process is estimated in the \$15,000 to \$20,000 range including legal, public notice, and survey fees. These expenses will be funded from the Economic Development Land Reserve and recovered from any future disposition of this parcel.

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## **Public Engagement:**

In accordance with the Expropriation Act, R.S.O 1990, c. E.26, a Public Notice of Application for Approval to Expropriate Land will be advertised for three (3) consecutive weeks in the Port Colborne Leader. Once this has been completed, a staff report will be brought to Council with any public comments received.

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## **Strategic Plan Alignment:**

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

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

Hubbard Drive is a privately owned laneway, as shown in Appendix A, that is preventing the future servicing and development of an adjoining parcel. The last transaction for this laneway goes back to 1939. The City of Port Colborne has no way to connect with the owners as it is unmapped, and no municipal roll number exists. The advice of the City Solicitor is to expropriate this laneway through the process outlined in the Expropriation Act.

Having the City acquire this parcel will help facilitate the municipal servicing and private sector development of the vacant lands shown in Appendix B. Once the expropriation process has completed, staff will bring a report to Council outlining next options for the sale and disposition of Hubbard Drive.

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## **Appendices:**

- a. Property Map - Hubbard Drive
- b. Property Map - Part of Lot 26, Concession 2, being Part 3 on Plan 59R-12304

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.