



Subject: Application for Approval to Expropriate - 1ft reserve - Christmas, Bell, and Johnston Streets

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-177

Meeting Date: August 9, 2022

Recommendation:

That Chief Administrative Office – Economic Development and Tourism Division Report-2022-177 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate the one-foot reserve at the end of Christmas, Bell and Johnston Streets legally described as PIN 64164-0451.

Purpose:

The purpose of this report is to seek Council support to have the City Solicitor initiate an expropriation process for a one-foot reserve legally described in PIN 64164-0451 and shown on Appendix A.

Background:

A title search conducted by staff confirms that a one-foot reserve (PIN 64164-0451) running north-south at the ends of Christmas, Bell, and Johnston Streets is registered on title. This one-foot reserve is preventing access and future development of PIN 64164-0504 which is a privately owned vacant parcel also shown on Appendix A. There is a residential development proposal for this property that is being reviewed by the City's Planning Division. The City has been approached by the owner of PIN 64164-0504 regarding options to acquire the one foot reserve to allow for access and to help facilitate development of the vacant parcel.

Discussion:

The one-foot reserve, as shown in Appendix A, has been owned by the same individual prior to the registration of the Subdivision Plan 871 in 1953. This reserve was not transferred to the City or dedicated as a public road. The City would like to initiate the process to expropriate the one foot reserve to help facilitate development of adjoining lands.

The City Solicitor and the developer's solicitor reviewed two methods of proceeding, namely expropriation or an application to the courts seeking a declaration that the lands have been obtained by adverse possession. Based on a review of the information, the City Solicitor is recommending that the expropriation route is the best way to proceed.

The expropriation process will take approximately six (6) to eight (8) months to complete and will require a survey, application to the court for permission to serve notice by an alternative means and notice of the application in the newspaper.

There is no roll number for the one-foot reserve and there is no other address or contact information for the individual or their estate.

Staff are recommending that the City Solicitor initiate an expropriation process to acquire the parcel and then the City can convey it to the owner of PIN 64164-0504 for fair market value in order to facilitate the development of the residential lands.

Financial Implications:

The legal, public notice, and survey fees are estimated to be in the \$15,000 - \$20,000 range and will be funded from the Economic Development Land Reserve and reimbursed by the developer.

Public Engagement:

Expropriation is a public process governed by the Expropriation Acts, R.S.O 1990, c. E.26. Public notice of the application for and the approval of expropriation will be advertised publicly in the newspaper for three (3) consecutive weeks.

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
- Governance: Communications, Engagement, and Decision-Making

Conclusion:

There is a privately owned one-foot reserve, shown in Appendix A, that was registered prior to 1953 and was never conveyed to the City. It is preventing access to a large vacant parcel also shown in Appendix A. The City Solicitor has recommended that the City initiate an expropriation process to acquire the one-foot reserve to help facilitate the development of the adjoining lands.

Appendices:

- a. Property map showing one foot reserve (PIN 64164-0451) and adjoining development parcel (PIN 64164-0504)

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
(905) 835-2900 Ex 502
Gary.Long@portcolborne.ca

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