



Subject: Application for Expropriation – PIN 64164-0405

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-181

Meeting Date: August 23, 2022

Recommendation:

That Chief Administrative Officer – Economic Development and Tourism Division Report 2022-181 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate PIN 64164-0405 legally described as Reserve A PI 871 Port Colborne.

Purpose:

The purpose of this report is to seek Council support to have the City Solicitor initiate an expropriation process for PIN 64164-0405 legally described as Reserve A PI 871 Port Colborne and shown on Appendix A.

Background:

A title search confirms that PIN 64164-0405, which is located at the end of Johnston Street and runs south towards the Niagara Region pumping station, has been owned by the same individual prior to the registration of the Subdivision Plan 871 in 1953. This parcel, shown on Appendix A, was not transferred to the City or dedicated as a public road. The parcel dimensions are 9.52 metres in width and 46.59 metres in length. The City would like to initiate the legal process to expropriate the parcel to support future development in the area and secure legal access to the pumping station.

Discussion:

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 parcel 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 have this City acquire ownership of this parcel.

As shown in Appendix A, this is a separate parcel at the end of the one-foot reserve running north-south at the ends of Christmas, Bell, and Johnston Streets. The expropriation process for this one-foot reserve was proposed in Report 2022-177 and approved by Council at the August 9th meeting.

Internal Consultations:

Public Works are supportive of the City acquiring and having ownership of this parcel, adding this to a future road network, and being able to secure legal access to the nearby pumping station.

Financial Implications:

The legal, public notice, and survey fees are estimated to be in the \$5,000 to \$10,000 range. There may be efficiencies and cost savings by having staff and the City Solicitor complete this work in conjunction with the expropriation of the one-foot reserve outlined in Report 2022 -177 and approved at the August 9th Council meeting. This will be funded from the Economic Development Land Reserve.

Public Engagement:

Expropriation is a public process governed by the *Expropriation Act, R.S.O 1990, c. E.26.* and as per the Act 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 pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

The privately owned parcel shown in Appendix A and legally described in PIN 64164-0405, was registered prior to 1953 and was never conveyed to the City. Staff have spoken with the City Solicitor regarding this parcel, and it has been recommended that the City initiate an expropriation process to acquire the parcel to secure access to the pumping station located south of the subject parcel.

Appendices:

- a. Property Map PIN 64164-0405

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.