



Subject: Expropriation of PIN 64164-0405 – End of Johnston Street

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-02

Meeting Date: January 24, 2023

Recommendation:

That Chief Administrative Officer Report 2023-02 be received; and

That the expropriation of PIN 64164-0405 which is located at the end of Johnston Street and runs south towards the Niagara Region pumping station and legally described as Reserve A PI 871 Port Colborne, be approved; and

That the Mayor and Acting City Clerk be directed to sign the Certificate of Approval pursuant to the *Expropriations Act*, and all other documents necessary to affect the expropriation of the lands subject to the satisfaction of the City Solicitor.

Purpose:

The purpose of this report is to obtain Council approval and outline next steps for the expropriation of the parcel described in PIN 64164-0405 and located at the end of Johnston Street and runs south towards the Niagara Region pumping station.

Background:

A title search confirms that the small parcel of land legally described in PIN 64164-0405, 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 initiated the legal process to expropriate the parcel to ensure legal access to the pumping station.

The expropriation process was outlined in Report 2022-181 which was approved by Council on August 9, 2022. The required public notice, reference plan/survey, and appraisal have been completed.

There is no roll number for the parcel and there is no other address or contact information for the registered owner or their estate. The City Solicitor with staff support has completed an exhaustive search for descendants to the owners but have been unable to locate the owner or descendants.

Discussion:

The approval of this report is an Approval to Expropriate and is the next step in the expropriation process. If approved, the Notice of Approval will be completed, and the Expropriation Plan will be registered within three (3) months of the approval of this report.

The next steps the City will undertake include: serve notice by an alternative means, complete an expropriation survey, and provide Notice of the Approval to expropriate in the newspaper within three (3) months of the approval of this report. This will comply with the requirements of the *Expropriations Act*.

The purpose of the expropriation is to secure legal and continuing access to the pumping station from Johnston Street and integrate this parcel with a future road network that would support the redevelopment of an adjacent and nearby properties.

Financial Implications:

Legal, advertisement, and survey costs have been incurred by the City to-date. To complete the expropriation, there will be additional legal and advertising costs and an expropriation payment will be made as determined by the court. The total estimated costs will be in the range of \$40,000 to \$50,000. These expenses will be funded from the Economic Development Land Reserve account.

Public Engagement:

As per the *Expropriations Act*, R.S.O 1990, c. E.26, Public Notice of Application for Approval to Expropriate Land was advertised for three (3) consecutive weeks on October 27, November 3, and November 10, 2022, in the Port Colborne Leader newspaper and there was no response to request a hearing of necessity. A copy of the newspaper advertisement is attached as Appendix B. Upon the approval of this report the Notice of Approval will be completed and placed in the local newspaper in accordance with the *Expropriations Act*.

Strategic Plan Alignment:

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Value: Financial Management to Achieve Financial Sustainability
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

There is a privately owned parcel shown located at the end of Johnston Street that runs towards the Niagara Region pumping station. It has been owned by the same individual since prior to the registration of the subdivision Plan 871 in 1953 and was not transferred to the City or dedicated as a public road. The City has no contact information for the owners and had no contact from the owners.

City staff want to ensure legal access to the pumping station and inclusion in road networks to support future development facilitation. In consultation with the City Solicitor, it was determined that the best course of action is expropriation, and this process was approved by Council on August 9, 2022. The approval of this report is the next step in the process.

Appendices:

- a. Reserve A Map
- b. Newspaper Advertisement

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.