



**Subject: Dedicate Portion of Borden Avenue as a Public Highway -
(Part 4 of Plan 59R-17542)**

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-25

Meeting Date: February 28, 2023

Recommendation:

That Chief Administrative Officer- Economic Development and Tourism Division Report 2023-25 be received; and

That a By-law to dedicate a portion of Borden Avenue Road Allowance, legally described as Part 4, Plan 59R-17542, as a public highway, be brought forward; and

That the Mayor and Acting City Clerk be authorized to sign and execute the By-law and related documents to dedicate the Borden Avenue Road Allowance as a public highway.

Purpose:

The purpose of this report is to seek Council support to have a portion of the Borden Avenue Road Allowance dedicated as a public highway in order for the owners of Part 2 and 3 on 59R-17542, Kenneth and Wendy Busch, to have legal access to their property.

Background:

The Economic Development and Tourism Services Division (EDTS) has undertaken a review of City-owned property to identify potential surplus lands that could be made available to support development opportunities and expand the City's tax base. Infill development creates additional assessment on the City's tax roll and adds users to the water and wastewater system to help improve efficiency. Staff have applied this rationale when analyzing sites for potential disposition. The Borden Avenue Road Allowance was one such property.

The Borden Avenue Road Allowance was closed with a Stop Up and Close By-law approved by Council on March 15, 2022 (Report 2022-55) and declared surplus on June 14, 2022, (Report 2022-120). A new reference plan was completed to facilitate the disposition of three parcels to two purchasers. The disposition of the Borden Avenue Road Allowance was conveyed in three parts on February 3, 2023, through By-law 7028/65/22 (City land fronting on Knoll Street) and 6990/28/22 (City land fronting on Steele Street).

Discussion:

Currently the owners who purchased City land on the Steele Street side of the Borden Avenue Road Allowance do not have proper legal access to Part 2 and 3 of 59R-17542 because Borden Avenue was fully closed as a public highway. Part 4 was created so the sidewalk on Steele Street would stay in City ownership. The impact is that it prevents legal access to Part 2 and 3 which was conveyed by the City to Kenneth and Wendy Busch.

The City Solicitor, and the Solicitor representing the purchasers of Part 2 and 3 of Plan 59R-17542, agreed that having Part 4 of 59R-17542 dedicated as a public highway would be the best manner to provide the purchasers with legal access to their property.

City staff, and the City Solicitor, are recommending that Council approve the by-law to dedicate Part 4, Plan 59R-17542, as a public highway to rectify the access issue.

Financial Implications:

There are no financial implications to this report and recommendation.

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
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

The Borden Avenue Road Allowance was closed with a Stop Up and Close By-law with Report 2022-55. The City sold two infill parcels on Borden Avenue in early February 2023 and this was comprised of three parts on one reference plan 59R-17542, Part 4, was created for the City to retain ownership of the sidewalk on Steele Street. However,

to allow the property owners to legally access Part 2 and 3, Part 4 on 59R-17542 will need to be dedicated as a public highway. This is the recommendation of the City Solicitor to rectify this issue and a by-law is required.

Appendices:

- a. Reference Plan 59R-17542
- b. By-law

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.