



Subject: Catharine Street – Stop-Up and Close By-law and Surplus Declaration

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2023-81

Meeting Date: June 27, 2023

Recommendation:

That Chief Administrative Office Report 2023-81 be received;

That the Stop-Up and Close By-law, being a By-law to stop-up and close part of the Catharine Street Road Allowance, described in PIN 64457-0087 as being Part of Catharine Street on the west side of Catharine Street south of 14 Catharine Street abutting the eastern boundary of 12 Catharine Street and being 26.4 m in length and 8.2 m in width be approved;

That the property described in PIN 64457-0087 be declared surplus; and

That the City Clerk and Mayor be directed to sign all necessary documents.

Purpose:

This report is regarding a Stop-up and Close By-law and surplus declaration for part of Catharine Street legally described as PIN 64457-0087 and located on the west side of Catharine Street south of 14 Catharine Street abutting the eastern boundary of 12 Catharine Street and being 26.4 m in length and 8.2 m in width.

The portion of the Catharine Street Road Allowance is shown in Appendix A, attached to this report.

City staff received a request to purchase City property from the owners of 12 Catharine Street to address a long-standing encroachment issue.

Background:

The owners of 12 Catharine Street made a formal request and provided the fee to purchase City property through the City's website

(<https://www.portcolborne.ca/en/business-and-development/real-estate.aspx>).

The City property they would like to purchase is shown in Appendix A and it is currently considered a City road. Therefore, before City property can be divested, a portion of Catharine Street would need to be closed through a Stop-Up and Close By-law. Also, as per Appendix A, a significant portion of 12 Catharine Street is encroaching on City property. Legally addressing the encroachment issue will provide clarity and certainty regarding property ownership as well as provide legal access to 12 Catharine Street

Discussion:

The subject parcel as shown in Appendix A currently generates no tax revenue for the City and serves no operational purpose. In addition, there are potential liability issues as two-thirds of a private residence encroaches on City property.

Staff feel that a better use of this property would be achieved through private ownership. The Stop-Up and Close process has been identified as the best way to start to address this encroachment and liability issue.

Proceeding with the Stop-Up and Close By-law and declaring the property as surplus are the next steps in a potential future divestment of this property which would be governed by the Surplus Land Sale Policy.

Internal Consultations:

Economic Development and Tourism Services (EDTS) reviewed the request and circulated it to other departments for comments. EDTS, Public Works, and Planning staff collaborated on the boundaries of the Stop-Up and Close area requested in Appendix A. City departments have no current plans, nor foresee any future use, for the portion of Catharine Street that is proposed to be closed and declared surplus in this report.

Financial Implications:

The City's costs to advertise the public meeting in the weekly newspaper for four consecutive weeks is \$2,500. These are required under the City's Public Notice Policy.

If this report is accepted, a survey will need to be completed. The costs of public notice and survey would be added to any future sale cost of the property.

Public Engagement:

Notice of the Public Meeting was posted on the City's website starting on May 1st, 2023. The Public Meeting was also advertised for four consecutive weeks including April 27th, May 4th, May 11th and May 18th in the Niagara This Week and Port Colborne Leader as per the Public Notice Policy. The Public Meeting was held on June 6, 2023.

No residents appeared at the Public Meeting to speak to the matter.

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 Economic Development and Tourism Services Division received a request and application fee to purchase municipal property from the owners of 12 Catharine Street. The applicants wish to rectify a long-standing encroachment issue as well as secure additional legal access to their property. The City property, as shown in Appendix A, is actually a City road. It is recommended that a Stop-up and Close By-law for a portion of Catharine Street be approved and that the property be declared surplus.

EDTS consulted with Planning and Public Works staff regarding the property request as well as the recommendation to bring forward a Stop-up and Close By-law for a portion of Catharine Street. Staff have no concerns with this request and are supportive of rectifying the encroachment and clarifying the ownership of the property.

Appendices:

- a. Portion of Catharine Street Proposed for Stop-up and Close
- b. Stop-up and Close 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.