

**City of Port Colborne
Council Meeting Addendum**

Date: Tuesday, August 9, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

6. Disclosures of Interest

*6.1. Councillor R. Bodner - MAT By-law and Agreement, 2022-148

8. Staff Reports

8.6. Hubbard Drive – Application for Approval to Expropriate, 2022-171

*a. Virtual delegation from Melissa Bigford, resident

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Melissa Bigford & Christopher Lofquist
173 Chippawa Rd.
Port Colborne, ON.
L3K1T6

August 7, 2022

We are writing this letter in regards to Report #2022-171 and why we believe that the application for the approval to expropriate Hubbard Drive should be denied.

The report states that a court order was obtained in 2007 granting access to the Chippawa Estates land (part 26) via Hubbard Drive. However, the June 14, 2014 Committee of Adjustment memorandum stated that the applicant provided a legal opinion dated April 15, 2014 stating he has right of way for access, yet the City also obtained a legal opinion from its solicitor which states that there is no right of access. So which opinion is the city staff following?

The same report also states the requirement for a standard roadway with municipal services is 65.6ft. This laneway is only 30ft wide and the report states that the expropriation would only assist in addressing the service requirements. The draft plan of subdivision street access had a width of almost 60ft. Would more land need to be expropriated to accommodate this development? Will the taxpayer be on the hook for even more money to allow for servicing of this development? How will a 30ft laneway support this future development and the various utilities required?

We are alarmed about the added financial implications to the taxpayers for the expropriation of land (Hubbard Dr.) and the associated City Solicitor fees as stated in this report. The report states that the city will recover any costs associated with the expropriation from the future sale and disposition of the parcel (Hubbard Drive). However, municipal services are not permitted to be installed under a private road, so how can the city then sell the parcel to a private landowner to recover the \$15,000 to \$20,000 costs, would that not create the same situation?

The report also states that planning and public works are supportive of the City acquiring ownership of the parcel and a future agreement but again does not reference future sale and disposition. We want to emphasize this point to members of council as taxpayers would then be paying for the expropriation of land for a developer that chose to build a single detached home on the road access to the development. This fact was stated in the Committee of Adjustment Report dated

June 4, 2014 that the creation of a building lot on this property would not leave sufficient width for a future easement to service the development on the property to the North.

We do not agree with the discussion section of the report that the private laneway is preventing the services from being installed on the development of the adjoining lands but the decisions of the developer over the past 12 years! Why should taxpayers be liable for these decisions when it was clearly stated at the time what the ramifications of those decisions would be?

In conclusion, we believe that the application for approval to expropriate should be denied by council!

Sincerely,

Melissa Bigford & Christopher Lofquist