



Date: September 20, 2023

To: Mayor Davis and Members of Council

From: Ray Petro, Manager of Real Estate

Re: By-law to convey parts of the former CN railway corridor fronting Oak Street

Please find attached By-law to convey parts of the former CN railway corridor fronting Oak street.

Report CM2007-015 titled Disposal of the former CN railway corridor from Richardson Street to Gilkison Street came before City Council at its meeting on February 19, 2007 (Appendix 1). At the meeting, Council adopted the following resolution:

- A. THAT parts of the section of the former CN Railway corridor running from Richardson Street to Gilkison Street, identified as Parcels 1, 3 and 5 on the attached Location Map be conveyed to the abutting landowners, with the cost to be paid by the City BE APPROVED; and*
- B. THAT with respect to each Parcel NO ACTION BE TAKEN until it is determined all of the parcel can be conveyed to abutting landowners on an 'as is' basis;*
- C. THAT the By-laws authorizing the conveyances on a Parcel by Parcel basis BE PRESENTED to City Council for adoption; and*
- D. THAT the cost of this project BE FUNDED from the Corporate Operations Contingency Reserve.*

The attached By-law is for the conveyance of parts of Parcel 5 to the abutting landowners.

Thank you,

A handwritten signature in black ink, appearing to read "R Petro".

Ray Petro
Manager of Real Estate

APPENDIX 1

11. Dedicating Bylaw – Part of Lot 42, Concession 3, in the Geographic Township of Brantford as a Public Highway to be known as Kippax Court (EN2007-015)

Councillor McCreary requested background information on the distinction of naming the Street Kippax Court.

20. Greenwich-Mohawk Brownfields Update Ward Meeting – February 21, 2007 (Resolution)

Councillor Carpenter requested information relating to the location and number of former gas stations that are located throughout the City.

7. RESOLUTIONS

7.1 Disposal of the former CN railway corridor from Richardson Street to Gilkison Street (CM2007-015)

Moved by Councillor Ceschi-Smith
Seconded by Councillor Carpenter

- A. THAT parts of the section of the former CN Railway corridor running from Richardson Street to Gilkison Street, identified as Parcels 1, 3 and 5 on the attached Location Map be conveyed to the abutting landowners, with the costs to be paid by the City BE APPROVED; and
- B. THAT with respect to each Parcel NO ACTION BE TAKEN until it is determined all of the parcel can be conveyed to abutting landowners on an 'as is' basis;
- C. THAT the By-laws authorizing the conveyances on a Parcel by Parcel basis BE PRESENTED to City Council for adoption; and
- D. THAT the cost of this project BE FUNDED from the Corporate Operations Contingency Reserve.

CARRIED

7.2 Revenue Neutral Provision for By-law Enforcement Officers

Moved by Councillor McCreary
Seconded by Councillor Martin

- A. BE IT RESOLVED THAT the General Manager of Engineering and Operational Services BE REQUESTED to review the enforcement of



DATE: February 19, 2007

REPORT NO. CM2007-015

TO: Mayor Hancock and Members of City Council

FROM: John Wyatt
Manager of Real Estate

1.0 TYPE OF REPORT

CONSENT ITEM []
ITEM FOR CONSIDERATION [x]
PRIVATE AND CONFIDENTIAL ITEM []

2.0 TOPIC

Disposal of the former CN railway corridor from Richardson Street to Gilkison Street

3.0 RECOMMENDATION

- A. THAT parts of the section of the former CN Railway corridor running from Richardson Street to Gilkison Street, identified as Parcels 1, 3 and 5 on the attached Location Map be conveyed to the abutting landowners, with the costs to be paid by the City BE APPROVED; and
- B. THAT with respect to each Parcel NO ACTION BE TAKEN until it is determined all of the parcel can be conveyed to abutting landowners on an 'as is' basis;
- C. THAT the By-laws authorizing the conveyances on a Parcel by Parcel basis BE PRESENTED to City Council for adoption; and
- D. THAT the cost of this project BE FUNDED from the Corporate Operations Contingency Reserve.

4.0 PURPOSE

The purpose of this Report is to obtain Council's approval to convey parts of the former CN Railway corridor running from Richardson Street to Gilkison Street to the abutting landowners with the costs of the land transfer to be borne by the City.

5.0 BACKGROUND

On November 9th, 2006 City Council considered Report CM2006-051 that contained this Recommendation. In summary, this Recommendation is to convey parts of the former CN Railway line running from Richardson Street to Gilkison Street to the abutting landowners at the City's cost in order to dispose of the lands. These lands are identified as Parcels 1, 3 and 5 on the Location Map attached, are not considered developable and if not disposed of will constitute an ongoing legal liability and maintenance costs. Staff believe the best way to ensure all parts of the Parcels are transferred to abutting landowners and avoid creating landlocked pieces, is to have the cost be borne by the City. This could involve up to 37 property transactions. Two portions of the former railway line, Parcels 2 and 4 on the Location Map, were excluded from this process because they had potential for being sold for development. At the Council meeting on November 9th a homeowner next to Parcel 2 appeared at Council and objected because she would not receive the same benefit as other people on the street. As a result of this, the matter was deferred in order for the two Ward Councillors to meet with the Real Estate Department staff.

6.0 STRATEGIC PLAN CONTEXT

Not applicable.

7.0 INPUT FROM OTHER SOURCES

The Ward Councillors have reviewed the issue and they are in agreement that this Recommendation should move forward.

8.0 ANALYSIS

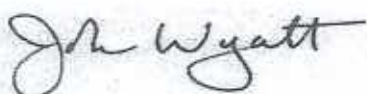
In order to avoid ongoing legal liability and maintenance costs staff recommend that Parcels 1, 3 and 5 be conveyed to the abutting landowners. Staff believe the method of disposing these lands that would have the best chance of conveying all the lands without leaving any land locked parts is for the City to pay all the costs. No expenditures or conveyances will take place until it is determined an entire Parcel can be conveyed so that there are no land locked pieces created. The Recommendation only deals with lands that are not considered to have development potential and not the Parcel next to the resident who appeared at Council's meeting of November 9th. While staff recommend that Parcels 2 and 4 be retained and sold for development if possible, nothing would prevent City Council from determining that these Parcels should be conveyed to the abutting owners in the same manner as contained in the Recommendation.

9.0 FINANCIAL IMPLICATIONS

The estimated cost for the reference plans is \$12,000.00 and approximately \$24,000.00 for legal costs. No funds have been budgeted for this proposed project and it is suggested the funds be taken from the Corporate Operating Contingency Reserve.

10.0 CONCLUSION

If City Council wishes to dispose of this section of the old CN Railway line in the near future and avoid ongoing maintenance issues cost and legal liability, it is recommended that the cost to do this be assumed by the City. If the disposal of the land is approved it is also recommended that Parcels 2 and 4 retained because of their potential as development property.



John Wyatt
Manager of Real Estate



Larry Tansley
City Solicitor, Director of
Legal & Real Estate Services

Attachments

Appendix A – Location Map

Copy to:

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

| | | |
|--------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| By-law required | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Agreement(s) or other documents to be signed by Mayor and/or City Clerk | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no |
| Is the necessary by-law or agreement being sent concurrently to Council? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no |

APPENDIX A

