

**REPORT TO:** Mayor James M. Diodati  
and Members of Municipal Council

**SUBMITTED BY:** Legal Services

**SUBJECT:** L-2017-02  
**Permanently Close and Declare Surplus  
Part of River Lane  
Our File No. 2016-133**

---

## RECOMMENDATION

1. In the event that Council determines that it is in the public interest to do so, that part of River Lane, lying between Philip Street and John Street, designated as Part 1 on the draft Reference Plan attached to this Report as Attachment "1", be permanently closed and declared surplus to the City's needs.
2. That the Mayor and Clerk and City Solicitor, be authorized to take whatever steps and sign whatever documents are required to carry out Recommendation 1 above.

## EXECUTIVE SUMMARY

Description: Part of Lane, Plan 294, Town of Niagara Falls Lying Between Philip Street and John Street, being part of PIN 64342-0337 (LT) of the Land Registry Office of the Land Registry Division of Niagara South (No. 59).

Total Area: 845.4 sq. m.

Zoning: R2, R5E and P

Type of Property: Laneway

Location: Lying between Philip Street and John Street

Appraised Value: \$11,400.00

Offered Price: \$12,000.00

Special Considerations: There is one abutting owner who has an encroachment upon the subject lands.

**L-2017-02**  
**February 14, 2017**

The City has received a request from the owner of all but one of the properties abutting the subject lands, to purchase the subject lands in order to construct a residential development. Prior to any conveyance, the subject lands must be permanently closed and declared surplus to the City's needs.

## **BACKGROUND**

The proposal to permanently close, declare the subject lands surplus and convey has been circulated to various City departments. Municipal Works has recommended that the City retain an easement over the subject lands in the event that the existing infrastructure is not removed.

The proposal has also been circulated to local utility companies for comments. Hydro One has confirmed that it has no objection to the conveyance. Niagara Peninsula Energy has advised that they currently have distribution equipment on the subject lands, specifically 4 wood poles, which may be removed in the event that the City no longer requires lights on the subject property. Enbridge Gas Distribution has confirmed that it has a gas main located within the subject lands and will therefore require a permanent easement with the City prior to any conveyance taking place. Bell Canada has advised that based on the proposed plans for development on the lands, they will have no need to retain the cable/pedestals on the subject lands and staff will endeavour to have Bell remove their equipment from the subject lands prior to closing.

Staff commissioned an appraisal of the subject lands from Ronald C. Ellens Appraisals Inc. who provided an estimated hypothetical value of \$11,400.00 on August 31, 2016.

Public notice of the permanent closure, declaration of surplus and sale of the subject lands was given in the February 2, 2017 issue of the Niagara Falls Review in accordance with the City's By-law No. 2003-02.

At the time that this proposal was first put to Staff, the proponent intended to acquire all of the properties abutting the subject lands and this proposal was put to Council. However, at this time, the proponent has not been able to purchase 4434 Philip Street.

The owner of 4434 Philip Street has enclosed a part of the subject lands with a fence. The enclosed area is illustrated in yellow on Attachment 1. The proponent has advised Staff that the owner of 4434 Philip Street is supportive of the proponent's project however, Staff are not so certain of the owner's support following a telephone conversation with that owner.

The owner of 4434 Philip Street has been notified by telephone, e-mail and regular mail about tonight's public meeting.



# ATTACHMENT "1"

DATE	SET	SCALE	PLAN	AREA
1	1	1:1000	PART OF 599-6175	0.1414

1. REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT.

DATE: \_\_\_\_\_

ALLAN J. KEENE  
 REGISTERED LAND SURVEYOR  
 DIVISION OF LAND SURVEY  
 1000 UNIVERSITY AVENUE  
 WINDSOR, ONTARIO N9A 6K1

PLAN OF SURVEY OF  
 PART OF LANE BETWEEN PHILIP  
 & JOHN STREET  
 PLAN 294  
 CITY OF NIAGARA FALLS  
 REGIONAL MUNICIPALITY OF NIAGARA  
 MATTHEWS, CAMERON, KEENEWOOD - KERRY T. HINE SURVEYING LTD.

SCALE 1" = 200'

**NOTES**

1. METRIC UNITS AND COORDINATE SYSTEM OF THIS PLAN ARE IN ACCORDANCE WITH THE METRIC ACT AND THE METRIC REGULATIONS.

2. THIS SURVEY WAS CONDUCTED ON NOVEMBER 11, 2014.

3. THE SURVEY WAS CONDUCTED ON NOVEMBER 11, 2014.

4. THE SURVEY WAS CONDUCTED ON NOVEMBER 11, 2014.

**LEGEND**

1. BOUNDARY LINE

2. BOUNDARY POINT

3. BOUNDARY MARK

4. BOUNDARY MARK

5. BOUNDARY MARK

6. BOUNDARY MARK

7. BOUNDARY MARK

8. BOUNDARY MARK

9. BOUNDARY MARK

10. BOUNDARY MARK

11. BOUNDARY MARK

12. BOUNDARY MARK

13. BOUNDARY MARK

14. BOUNDARY MARK

15. BOUNDARY MARK

16. BOUNDARY MARK

17. BOUNDARY MARK

18. BOUNDARY MARK

19. BOUNDARY MARK

20. BOUNDARY MARK

21. BOUNDARY MARK

22. BOUNDARY MARK

23. BOUNDARY MARK

24. BOUNDARY MARK

25. BOUNDARY MARK

26. BOUNDARY MARK

27. BOUNDARY MARK

28. BOUNDARY MARK

29. BOUNDARY MARK

30. BOUNDARY MARK

31. BOUNDARY MARK

32. BOUNDARY MARK

33. BOUNDARY MARK

34. BOUNDARY MARK

35. BOUNDARY MARK

36. BOUNDARY MARK

37. BOUNDARY MARK

38. BOUNDARY MARK

39. BOUNDARY MARK

40. BOUNDARY MARK

41. BOUNDARY MARK

42. BOUNDARY MARK

43. BOUNDARY MARK

44. BOUNDARY MARK

45. BOUNDARY MARK

46. BOUNDARY MARK

47. BOUNDARY MARK

48. BOUNDARY MARK

49. BOUNDARY MARK

50. BOUNDARY MARK

51. BOUNDARY MARK

52. BOUNDARY MARK

53. BOUNDARY MARK

54. BOUNDARY MARK

55. BOUNDARY MARK

56. BOUNDARY MARK

57. BOUNDARY MARK

58. BOUNDARY MARK

59. BOUNDARY MARK

60. BOUNDARY MARK

61. BOUNDARY MARK

62. BOUNDARY MARK

63. BOUNDARY MARK

64. BOUNDARY MARK

65. BOUNDARY MARK

66. BOUNDARY MARK

67. BOUNDARY MARK

68. BOUNDARY MARK

69. BOUNDARY MARK

70. BOUNDARY MARK

71. BOUNDARY MARK

72. BOUNDARY MARK

73. BOUNDARY MARK

74. BOUNDARY MARK

75. BOUNDARY MARK

76. BOUNDARY MARK

77. BOUNDARY MARK

78. BOUNDARY MARK

79. BOUNDARY MARK

80. BOUNDARY MARK

81. BOUNDARY MARK

82. BOUNDARY MARK

83. BOUNDARY MARK

84. BOUNDARY MARK

85. BOUNDARY MARK

86. BOUNDARY MARK

87. BOUNDARY MARK

88. BOUNDARY MARK

89. BOUNDARY MARK

90. BOUNDARY MARK

91. BOUNDARY MARK

92. BOUNDARY MARK

93. BOUNDARY MARK

94. BOUNDARY MARK

95. BOUNDARY MARK

96. BOUNDARY MARK

97. BOUNDARY MARK

98. BOUNDARY MARK

99. BOUNDARY MARK

100. BOUNDARY MARK

**INTERSECTION DATA**

1. INTERSECTION OF PHILIP STREET AND JOHN STREET

2. INTERSECTION OF PHILIP STREET AND RIVER LANE

3. INTERSECTION OF PHILIP STREET AND RIVER

4. INTERSECTION OF JOHN STREET AND RIVER LANE

5. INTERSECTION OF JOHN STREET AND RIVER

6. INTERSECTION OF RIVER LANE AND RIVER

**SURVEYOR'S CERTIFICATE**

I, ALLAN J. KEENE, A REGISTERED LAND SURVEYOR, HAVE CONDUCTED A SURVEY OF THE LAND SHOWN ON THIS PLAN AND HAVE FOUND THAT THE SAME IS IN ACCORDANCE WITH THE METRIC ACT AND THE METRIC REGULATIONS.

DATE: NOVEMBER 11, 2014

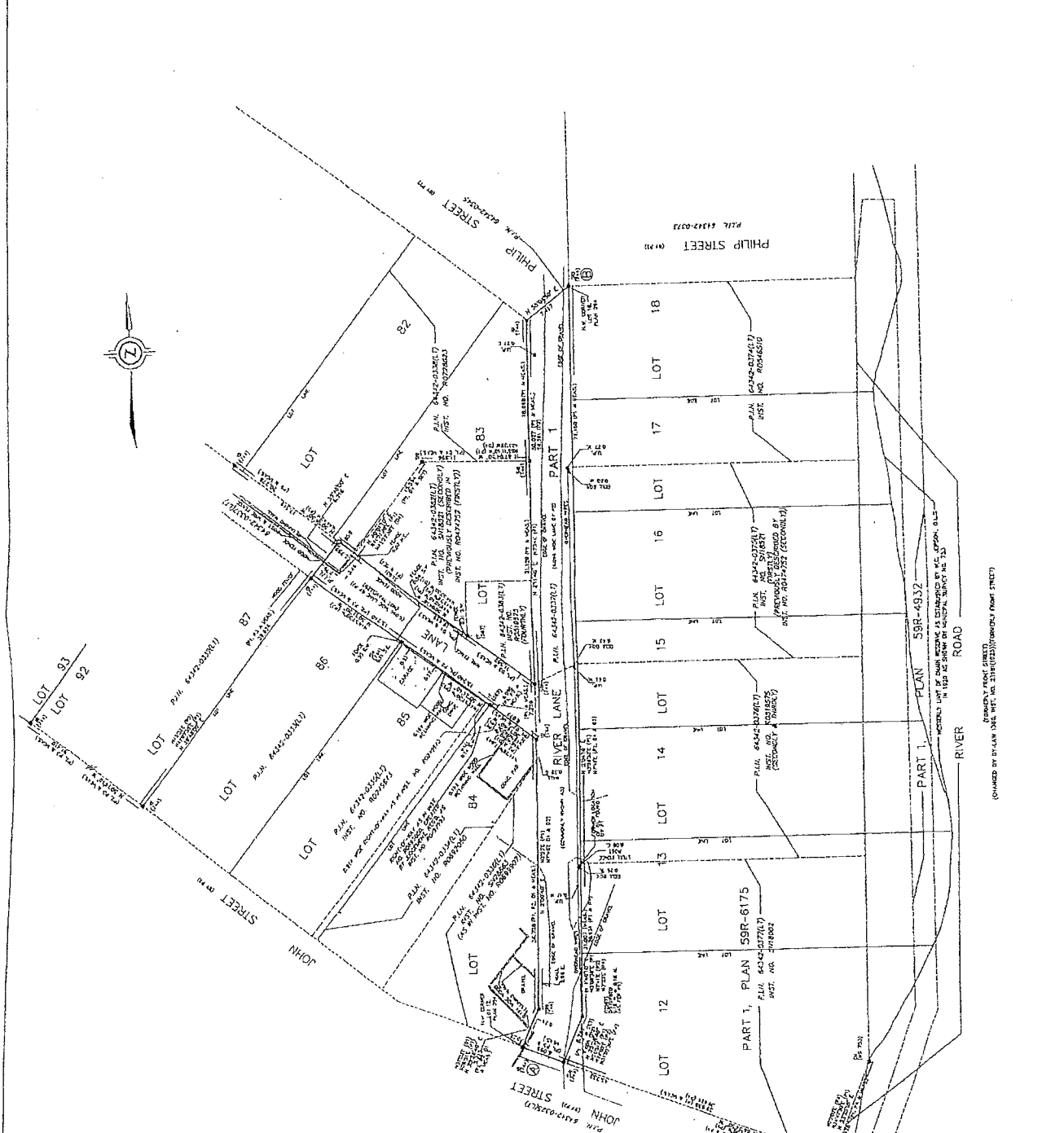
ALLAN J. KEENE  
 REGISTERED LAND SURVEYOR

**MATTHEWS, CAMERON, KEENEWOOD SURVEYING LTD.**

REGISTERED LAND SURVEYORS

1000 UNIVERSITY AVENUE  
 WINDSOR, ONTARIO N9A 6K1

PHONE: (519) 253-1111  
 FAX: (519) 253-1112  
 EMAIL: info@matthews-cameron-keene.com



**PLAN 599-6175**

PART 1, PLAN 599-6175

FILE NO. 6434-0378(17)

INSTR. NO. 2014-027

DATE: NOVEMBER 11, 2014

ALLAN J. KEENE  
 REGISTERED LAND SURVEYOR

**PLAN 599-4930**

PART 1, PLAN 599-4930

FILE NO. 6434-0378(17)

INSTR. NO. 2014-027

DATE: NOVEMBER 11, 2014

ALLAN J. KEENE  
 REGISTERED LAND SURVEYOR