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**Subject:** Stop Up and Close a Portion of Regional Road 1 (Dominion Road) in the Town of Fort Erie

**Report to:** Corporate Services Committee

**Report date:** Wednesday, July 14, 2021

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## Recommendations

1. That a portion of Regional Road 1 (Dominion Road), described as Part of Lot 18, Plan 424, former Township of Bertie, now Town of Fort Erie, designated as part 1 on Plan 59R-8808, being part of PIN 64470-0002, and containing approximately 1,791 square feet as shown in Appendix 1 to Report CSD 44-2021 (the "Lands") **BE APPROVED** to be stopped up and closed; and
2. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration.

## Key Facts

- The purpose of this report is to seek Council's approval to stop up and close a portion of the untravelled road allowance of a Regional road
- Transportation staff have reviewed this request and have determined the Lands are not required for road purposes

## Financial Considerations

An in-house appraisal was undertaken for the Lands and the market value is estimated to be below \$25,000, therefore, the Manager of Real Estate has authority to declare the Lands surplus and to approve the intended manner or process for disposal in accordance with Section 4 of Niagara Region's Disposal of Land By-law 26-2011.

## Analysis

An abutting property owner contacted Real Estate staff regarding the possibility of purchasing the Lands to increase the square footage of their property and provide a safe play area for their children as their home is in close proximity to Regional Road 1 (Dominion Road).

The legal description for the Lands indicates the Lands are part of Regional Road 1 (Dominion Road) in the Town of Fort Erie, however, this is believed to be an error as no record of the Lands being dedicated as part of Regional Road 1 can be found other than consolidation by-laws which are by their nature vague as to specific boundaries of Niagara Region roads. Inclusion of the Lands as part of the PIN abstract for Dominion Road found at the Land Titles office may lead to further enquiries by lawyers for future purchases of the Lands and as a result it is recommended by Niagara Region's Legal Counsel to stop up and close the Lands so that title is correct for the transfer of ownership.

Niagara Region also owns vacant land, being abandoned rail line, abutting and north of the Lands. Niagara Region and the Town of Fort Erie have previously discussed developing the former rail line therefore, the Town of Fort Erie was consulted regarding the stopping up, closing, and disposal of the Lands. The Town of Fort Erie approved a recommendation at their Council meeting of May 17, 2021, that "The Land Committee advises the Region of Niagara that they have no interest in the surplus lands described as part of PIN 64470-0002 and being part 1 on reference plan 59R-8808, Regional Road 1 (Dominion Road)."

Regional departments and utility companies were notified of this intended disposal of Lands and no interested was expressed. Regional Councillors were notified of this intended disposal by CWCD 2021-88 on April 16, 2021.

It is also necessary to advise the public that the Lands will be stopped up and closed, therefore, a Public Notice is being posted on Niagara Region's website in accordance with Public Notice Policy C-RC-005 and a Public Meeting is scheduled at Corporate Services Committee on July 14, 2021. The recommendations in this report are subject to approval of the oral report resulting from the Public Meeting.

### **Alternatives Reviewed**

A possible alternative to not stopping up and closing the Lands and subsequent disposal is to enter into an encroachment agreement with the abutting property owner. The encroachment agreement would address annual fees, insurance requirements, indemnities, and termination rights for Niagara Region.

## **Relationship to Council Strategic Priorities**

This report was brought forward as a result of the abutting property owner's request to purchase the Lands. The recommendations in this report will support Council's strategic priority of Healthy and Vibrant Communities.

## **Other Pertinent Reports**

No other reports.

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### **Prepared by:**

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Corporate Services

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### **Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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### **Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

This report was reviewed by Frank Fucile, Manager, Real Estate; Sterling Wood, Legal Counsel; and Bart Menage, Director, Procurement and Strategic Acquisitions.

## **Appendices**

Appendix 1 – the “Lands”