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**Subject:** Surplus and Disposal of Vacant Land, Regional Road 3 (Lakeshore Road), in the Township of Wainfleet

**Report to:** Corporate Services Committee

**Report date:** Wednesday, May 7, 2025

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### Recommendations

1. That the following lands **BE DECLARED** surplus to the needs of Niagara Region:
  - a) Part Lot 30, Concession 1, being Part 2 on 59R-18280; in the Township of Wainfleet consisting of approximately 0.22 acres (883.34 sq. m), as shown on the attached Appendix 1 ("Lands");
2. That staff **BE AUTHORIZED** to proceed with the disposal and transfer of fee simple interest ownership of the Lands through an arms length transaction;
3. That delegated authority **BE AUTHORIZED** to the Deputy Chief Administrative Officer to negotiate the purchase of the subject lands, including the authority to accept an offer that is consistent with current market conditions and represents the most favorable terms for the Regional Municipality of Niagara;
4. That the Deputy Chief Administrative Officer **BE AUTHORIZED** to execute the Agreement of Purchase and Sale, which includes the authority to accept an offer greater or less than the appraised value, provide that the form of the agreement is satisfactory to the Director of Legal and Court Services; and
5. That, in accordance with Section 33 of the Disposal of Land By-law, the net sale proceeds of both transactions **BE TRANSFERRED** to the general capital levy reserve and in alignment with the strategy outlined in PDS 29-2023, be retained for reinvestment into housing to maximize opportunities to expand affordable and attainable housing in Niagara.

### Key Facts

- The purpose of this report is to seek Council's approval to declare the Lands surplus to the needs of Niagara Region and dispose of the Lands.
- In 1999, Niagara Region acquired the Lands for a future storm drain site including a tower to house a road weather information system for the purchase price of \$62,000.

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However, the storm drain did not come to fruition and the road weather information system was relocated to a new site in 2023, and as such Niagara Region has no need for the Lands.

- Staff circulated notice of the potential disposal to Regional departments, boards and agencies for notification in accordance with the Region's Disposal of Land By-law and received no expressions of interest.
- Housing Services have reviewed the proposed disposition of Parcel A and concluded the lands are not suitable for the purpose of affordable housing development.
- The Appraisal Report is provided as Confidential Appendix 2 to this report.

### **Financial Considerations**

The disposition of the Lands by Niagara Region will generate revenue. The costs associated with the disposal will be offset by the proceeds of sale, which are expected to be the appraised value, as set out in Confidential Appendix 2, or the negotiated purchase price. Costs will include property appraisal report (\$2,102 plus 13% HST) and real estate commission. The amount of the real estate commission will be calculated as a percentage of the sale price, not yet known. A real estate broker is to be retained through Niagara Region's procurement process to list the Lands on the local multiple listing system.

The net sale proceeds from surplus property disposals will be transferred to the general capital levy reserve and will be made available to maximize opportunities to expand affordable and attainable housing in Niagara as outlined in report PDS 29-2023, Housing-as-a-Priority Lens. In alignment with this report, all funds made available through this strategy from November 2023 to December 2026 will be summarized in our quarterly financial reporting.

### **Analysis**

In 1999, the Lands were acquired by The Regional Municipality of Niagara for a future storm drain and a tower to house a road weather information system for \$62,000. While the installation of a storm drain did not come to fruition a road weather information system tower was erected on the site. In May 2024 Transportation Services relocated

the road weather information system tower. Niagara Region no longer has any use for the Lands.

The Lands are located along Lake Erie on the south side of Regional Road 3 (Lakeshore Road) in the Township of Wainfleet. Staff have been advised by the Township that the Lands are zoned Residential Lakeshore with a maximum lot coverage of 20% (RLS.C.20.) and that there is a special provision which establishes the following setbacks: minimum front yard of 10.7 m, minimum side yard of 4.6 m, minimum rear yard of 10.7 m, and minimum distance to high water mark of 10.7 m. Staff understand from the Township that permitted uses include a single detached dwelling, semi-detached dwelling, bed and breakfast, day care facility or group home. In addition, a secondary suite and home occupation are permitted as accessory to the primary use. Any structure built on the property can be no taller than 12 m in height. Any prospective purchasers would be advised to contact the Town to confirm applicable regulations pertaining to the use of the Lands.

Internal reviews by Regional departments have confirmed that the Lands are not required for municipal purposes. Additional circulation provided notice of the potential disposal to boards and agencies for notification in accordance with the Disposal of Land By-law and received no expressions of interest.

The Land Optimization Framework process is part of the Housing-as-a-Priority Lens endorsed by Council through Report PDS 29-2023 in November 2023 intended to maximize affordable and attainable housing opportunities in Niagara. Community Services informed Staff that the land does not fall within the optimal vicinity (1 km) of necessary services to support a housing development and concluded that the subject lands are not suitable for the purpose of affordable housing development.

An Appraisal Report was prepared by Antec Appraisal Group Inc. as of August 2, 2024, and the current market value estimated based on highest and best use. A copy of the Appraisal Report is appended to Report CSD 15-2025 as Confidential Appendix 2 to protect the negotiating position of the Region with respect to the disposal of the Lands.

Staff believe that the most appropriate method of sale is to retain a realtor in accordance with Niagara Region's Procurement By-law 02-2016 to list the Lands for sale on the local multiple listing service. This report recommends delegating authority to the Deputy Chief Administrative Officer to negotiate and finalize a purchase and sale

agreement. This includes accepting offers reflecting fair market value, even if they differ from the appraised value, to enable timely action based on current market conditions.

### **Alternatives Reviewed**

Niagara Region could retain the Lands. This option would not generate any revenue and retaining ownership of lands that are not required for future municipal purposes would result in in Niagara Region incurring costs and liabilities associated with land ownership.

### **Relationship to Council Strategic Priorities**

This report supports Niagara Region's Strategic priority for an *Equitable Region*, specifically Objective 3.2: Support growth and development post Bill 23 and Objective 3.3: Improve access to affordable and attainable housing. Disposal of the Lands will generate income which can be reinvested in affordable and attainable housing per Council endorsed Housing-as-a Priority Lens, and support growth and development in Niagara.

### **Other Pertinent Reports**

- [PDS 29-2023 - Housing-as-a-Priority Lens](https://www.google.com/url?client=internal-element-cse&cx=005774670460367375179:knxdu-yx3mm&q=https://pub-niagararegion.escribemeetings.com/filestream.ashx%3FDocumentId%3D34122&sa=U&ved=2ahUKEwipx9_4x_GMAxX6F1kFHdsUL3YQFnoECAEQAg&usg=AOvVaw210FDXMCG-lxsHxPvxi3MH)

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**Recommended by:**

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**Submitted by:**

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This report was prepared in consultation with Susan White, Program Financial Specialist; Donna Gibbs, Director Legal Services and, Roman Ivanov, Legal Counsel; and reviewed by, Frank Fucile, Manager Real Estate; and Angela Stea, Director of Strategic Initiatives.

**Appendices**

Appendix 1            Aerial Illustration of the Lands

Appendix 2            Confidential - Appraisal Report