



City of Port Colborne

Request for Proposals

“40 & 44 Killaly Street West”

August 14, 2009

Submittal Due: 4:00 p.m., Friday, September 11, 2009

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2nd Floor City Hall
66 Charlotte Street,
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Proposal Packet for 40-44 Killaly Street West

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1.0 INTRODUCTION

The City of Port Colborne, hereinafter referred to as “the City,” is pleased to announce the availability of two prime commercial properties. The properties are located at 40 and 44 Killaly Street West, are presently vacant (no structures) and total approximately 0.70 acres in size.

The Council of the City has declared the properties as surplus and has authorized their sale through a “Request for Proposal” (RFP) process. Council has elected to dispose of the property through this process so it can determine the best use and fit for these highly visible lands.

Council has instructed that the RFP is written so that each parcel (described below) can be bid on separately, however if an individual wishes to purchase both parcels they are able to do so.

2.0 PROPOSAL GOAL AND INTENT

The City’s goals for the subject property include the following:

- Purchase, use and/or develop the property.
- Enhance the visible appearance of the property and its continued maintenance.
- Create new employment opportunities.

The “Request for Proposal” has been written to allow Council to dispose and sell surplus property “**as is**” to an owner/developer/investment group that has the foresight and where- with-all to reclaim, develop or use the lands that in turn results in the improvement and enhancement of the property and surrounding area.

3.0 PROPERTY AREA AND BOUNDARY

The properties are located on the southeast corner of Killaly and Catherine Street within the City’s Urban Area. The first parcel (40 Killay Street West) has a frontage of 27±m (89±') along Killaly Street and a depth of 37±m (121.8±'). The second parcel (44 Killaly Street West) has a frontage of 35±m (115.75±') along Killaly Street and a depth of 47±m (154.9±') along Catherine Street. The property is approximately. Please refer to Appendix “A” for a survey of the property.

4.0 LEGAL DESCRIPTION

Parcel 1 - 40 Killaly Street West: Lots 52, 53 & 54, Part of Lot 48, Plan 861, Former Village of Port Colborne, Part Lot 28, Concession 1, Former Township of Humberstone, now City of Port Colborne, Regional Municipality of Niagara.

Parcel 2 - 44 Killaly Street West: Lots 49, 50 & 51, Part of Lot 48, Plan 861, Former Village of Port Colborne, Part Lot 28, Concession 1, Former Township of Humberstone, now City of Port Colborne, Regional Municipality of Niagara.

5.0 OFFICIAL PLAN POLICY

The parcels are located in the Urban Area Boundary and currently designated Central Commercial by the City's Official Plan. This designation supports "establishments that are primarily engaged in the selling of goods and services. This includes retail stores, personal service shops, speciality shops, offices, public buildings, hotels, taverns, restaurants, theatres, churches, clubs, funeral parlours, parking lots, marine & recreational sales and service." Second storey residential uses are supported.

Please refer to Appendix "B" for relevant sections of the Official Plan.

6.0 ZONING

The City's Zoning By-law 1150/97/81, as amended, zones both parcels *"CC-328 (Marine Sales)" zone that, would permit marine and recreational products, sales, service and ancillary uses in addition to the uses permitted in the "CC (Central Commercial)" zone.*

This zoning category permits a wide range of commercial uses and is the City's most general and broad commercial category. Second storey residential uses are supported.

Please refer to Appendix "C" for a complete list of permitted uses and relevant sections of Zoning By-law 1150/97/81, as amended.

7.0 MUNICIPAL SERVICING

Sanitary

The site is serviced by an existing sanitary sewer from Killaly Street West. No sanitary sewer line is available from Catharine Street.

Water

The site is serviced by an existing watermain from Killaly Street West. A watermain also is available from Catharine Street.

Drainage

A Storm Water Management Plan for the site may be required prior to development. Storm sewers are located on Killaly Street West and Catharine Street.

Please contact Ron Hanson, Director of Engineering & Operations at 905-835-2901 ext 222 for more information.

8.0 ENVIRONMENTAL INFORMATION

In 2005, the City retained AMEC Earth and Environmental to conduct a Phase I and II

Environmental Assessment of the property. Further, as a result of the Environmental Assessment, the City contracted Gabriel Maintenance Ltd. for the removal of two underground fuel storage tanks and associated fuel distribution lines and removal of up to 200 tonnes of petroleum hydrocarbon impacted soil. Furthermore, the City has been removing petroleum hydrocarbons from the groundwater and has installed groundwater monitoring wells to ensure matter has been successfully removed. Attached to this RFP as Appendix "O" is Engineering & Operations Department Report 2009-2 Status Update for 40-44 Killaly Street West which provides background information on the property and outlines the requirements of the City with regard to continued monitoring of groundwater wells.

Attached to the RFP is the following environmental information:

Appendix "D"

- Phase I Environmental Site Assessment, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, July 5, 2005.

Appendix "E"

- Phase II Environmental Site Assessment, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, November 15, 2005.

Appendix "F"

- Underground Fuel Storage Tank(s) Removal Program, 40-44 Killaly Street West, produced by DML Environmental Services Ltd., March 6, 2005(6).

Appendix "G"

- Environmental Investigation Work Plan-Test Trench & Bedrock Well, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, May 18, 2007.

Appendix "H"

- Remediation Work Plan, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, July 23, 2007.

Appendix "I"

- Soil & Groundwater Sampling Update, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, January 28, 2008.

Appendix "J"

- Ministry of Environment Memorandum, 40-44 Killay Street West, dated May 22, 2008.

Appendix "K"

- Quarterly Monitoring Report-January to March 2009, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, April 8, 2009.

Appendix “L”

- Annual Groundwater Monitoring Program, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, April 22, 2009.

Appendix “M”

- Response to City email. 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, June 12, 2009.

Appendix “N”

- Quarterly Monitoring Report-April to June 2009, 40-44 Killaly Street West, Port Colborne, Ontario, produced by AMEC Earth and Environmental, July 10, 2009.

The prospective purchaser should satisfy themselves with all environmental issues associated with the property. The City does not represent or warrant the environmental conditions of the subject property.

9.0 SELECTION PROCESS

Selection will involve a two-stage process:

- First Stage: Proposal review and selection from City Council.
- Second Stage: Purchase of Agreement and Sale.

10.0 SELECTION CRITERIA

- The General Proposal
- Development / Redevelopment Plans
- Time Lines for Development / Redevelopment Plans
- Compatibility with the Surrounding Area
- Assessment Potential
- Number of Jobs Produced
- The Purchase Price

The selection will be based on the following components:

- The **general proposal** is in compliance with the policies of the Official Plan, and relevant Zoning provisions; what are the proposed use(s) for the property and are they best for the property and location.
- What the proposed **development plans / use(s)** for the property; what will be located/exist on the property, etc.

- **Time lines** for potential development plans; when would development begin and be completed.
- The **compatibility** of land use with the adjacent neighbourhood; is the use(s) of the building and property an acceptable one.
- The property's proposed use(s) generated **assessment** to the City and tax revenue.
- The **number of jobs** created with the proposed use(s).
- The **purchase price of the property** – indicate the purchase price of the property.

11.0 PROPOSAL SUBMISSION & DEADLINE

Proposals are to be submitted to the Department of Planning & Development, 2nd Floor, City Hall, 66 Charlotte Street, Ontario, L3K 3C8 in sealed envelopes clearly marked either “40 Killaly Street West” or “44 Killaly Street West”. If an individual wishes to acquire both parcels please label “40-44 Killaly Street West”. The name and address of the proponent shall be marked on the envelope, and, all material should be wrapped and marked. Sealed proposals shall consist of twelve (12) copies and must be received **prior to 4:00 p.m., Friday, September 11, 2009**. Proposals made by telephone, facsimile or email will not be accepted. Details of all proposals will be kept strictly confidential.

Enquiries concerning the RFP should be directed to Dan Aquilina, Director of Planning & Development at 905-835-2901 ext. 203 or danaquilina@portcolborne.ca. Staff will assist proponents by providing additional information (if available), arranging site visits, and, providing information respecting the process.

12.0 SUBMITTAL REQUIREMENTS

The format for submittals should be as follows:

The submission should not exceed two pages of single sided copy text. Text documents are required in 8 ½” x 11” format. If used, individual fold out drawings larger than 8 ½” x 11” are permitted and will not count towards the two page proposal limit. Twelve (12) complete, bound copies should be submitted.

Submissions should provide the following material:

1. Letter of interest: Proposals must include a letter signed by the lead principal stating the intent to purchase 40 Killaly Street West or 44 Killaly Street West (or both) and addressed to Dan Aquilina, Director of Planning & Development, 66 Charlotte Street, Port Colborne, ONT L3K 3C8.

2. Property Use: Proposals must include the proposed use(s) of the parcels (please see Zoning Regulations) and, if proposed, the development plans along with proposed time frames for

commencement and completion.

3. Purchase Price: Proposals must include the purchase price of the parcels, which, if approved by Council, shall be the figure used in the Agreement of Purchase and Sale and the deposit required.

Please refer to Section 10. SELECTION CRITERIA for submission assistance.

13.0 SELECTION PROCESS AND TIME LINE

As this deals with the purchase of municipal property, the City is governed by the provisions of the Ontario Municipal Act. City Council will review the proposals and will select the successful purchaser in-camera (closed session). The City will notify all parties who submitted proposals of Council's decision. Once an Agreement of Purchase and Sale is drafted, Council will formally, by By-law, approve the sale of the property.

14.0 AGREEMENTS

The City will require the successful proponent to enter agreement(s) to "effect" the sale and development, and, which may include such agreements as:

- formal "Agreement of Purchase and Sale".
- "Site Plan Agreement" in like manner to Section 41 of the Planning Act.
- "Performance Agreement(s)" intended to ensure the proposal will occur, and, in the time frame proposed.
- If required, Access and or Monitoring Agreements (to be determined)

15.0 OTHER INFORMATION

1. All facts and options stated within this RFP and all supporting documents and data are based upon information available from a variety of sources. No representation or warranty is made with respect thereto.

2. The City reserves the right to modify the selection process or other aspects of this development offering at its sole discretion. City staff will take reasonable steps to insure that any modification shall be distributed in writing to all persons who have requested a copy of the RFP from the City.

3. The City reserves the right without cause to (1) accept or reject all proposals in response to this RFP, and (2) not proceed with the proposed Project. No commitment to sell the property is implied or should be assumed by the issuance of this RFP.

4. The City reserves the right to request additional information following its review of the initial

submission. City staff will conduct a review and verification of confidential information with guidance from City legal counsel.

5. In the interest of a fair and equitable selection process, the City retains the right to determine the timing, arrangement, and method of any presentation throughout the selection process.

6. The City reserves the right to reject any or all Proposals, or, not to accept any proposal should it be deemed in the interest of the City to do so.

7. The City reserves the right to negotiate minor changes or variations to the Proposal of the successful purchaser, without a general Proposal recall, provided such changes would not be deemed to have an effect on the relative standing of all the parties or be in any way otherwise prejudicial to them.

8. All written Proposals received by the City will become public record, once a proposal is accepted and an Agreement(s) is signed. All information contained therein is available to the public subject to the provisions of the Municipal Freedom of Information and Privacy Act RSO, as amended.

**9. Prospective purchasers are encouraged to contact relevant City staff to learn more about development charges, building permit, planning and engineering requirements and approvals:
Ron Hanson, Director of Engineering & Operations, 905-835-2901 ext. 222
Ernie Cronier, Chief Building Official, 905-835-2901 ext. 201
Dan Aquilina, Director of Planning & Development Services, 905-835-2901 ext. 203**