



## **PUBLIC WORKS COMMITTEE REPORT 20-008**

1:30 p.m.

Monday, September 21, 2020

Council Chambers

Hamilton City Hall

71 Main Street West

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**Present:** Councillors J.P. Danko (Chair), S. Merulla (Vice-Chair), C. Collins, J. Farr, L. Ferguson, T. Jackson, N. Nann, E. Pauls, M. Pearson, A. VanderBeek and T. Whitehead

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### **THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 20-008 AND RESPECTFULLY RECOMMENDS:**

- 1. Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13) (Item 7.1)**
  - (a) That the application of the owner of 1181 Governors Road, Dundas, to permanently close and purchase a portion of road allowance abutting 1181 Governors Road, Dundas ("Subject Lands"), as shown on Appendix "A" to Public Works Committee Report 20-008, be approved, subject to the following conditions:
    - (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
    - (ii) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 1181 Governors Road, Dundas, as described in Report PW20013, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
    - (iii) That the City Solicitor be authorized to complete the transfer of the Subject Lands to 1181 Governors Road, Dundas pursuant to an Agreement of Purchase and Sale or Offer to Purchase as

negotiated by the Real Estate Section of the Planning and Economic Development Department;

- (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (v) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (vi) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204; and,
- (vii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

**2. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 31 Crooks Street and 35 Crooks Street, Hamilton (PW20017) (Ward 1) (Item 7.2)**

- (a) That the application of the owners of 31 Crooks Street and 35 Crooks Street, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 31 Crooks Street and 35 Crooks Street, Hamilton, ("Subject Lands"), as shown on Appendix "B" to Public Works Committee Report 20-008, be approved, subject to the following conditions:
  - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
    - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;

- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
  - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
  - (2) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the owners of 31 Crooks Street and 35 Crooks Street, Hamilton, as described in Report PW20017, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (3) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 31 Crooks Street and 35 Crooks Street, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (4) The City Solicitor be authorized to waive and amend such terms and conditions to the Agreement of Purchase and Sale or Offer to Purchase as they consider reasonable to give effect to this authorization and direction;
  - (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
  - (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

**3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 75 Catherine Street South, Hamilton (PW20059) (Ward 2) (Item 7.3)**

- (a) That the application of the owner of 75 Catherine Street South, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the North side of 75 Catherine Street South, Hamilton, ("Subject Lands"), as shown on Appendix "C" to Public Works Committee Report 20-008, be approved, subject to the following conditions:
  - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
    - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
  - (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
  - (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
    - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
    - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
    - (3) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to

proceed to sell the Subject Lands to the owners of 75 Catherine Street South, Hamilton, as described in Report PW20059, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;

- (4) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 75 Catherine Street South, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
- (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
- (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (iv) That the applicant be responsible for all legal costs associated with the registration of required right of way agreements on title with the abutting land owners who require access as indicated within Report PW20059.

**4. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton (PW20060) (Ward 3) (Item 7.4)**

- (a) That the application of the owner of 401 Victoria Avenue North, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the south side of 401 Victoria Avenue North, Hamilton, ("Subject Lands"), as shown on Appendix "D" to Public Works Committee Report 20-008, be approved, subject to the following conditions:
  - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and

- (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
  - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
  - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
  - (3) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 401 Victoria Avenue North, Hamilton, as described in Report PW20060, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (4) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 401 Victoria Avenue North, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
  - (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently

sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

**5. Sam Lawrence Park Master Plan (PW18056(a)) (Wards 7 and 8) (Item 8.1)**

- (a) That the Sam Lawrence Park Master Plan, as identified in Appendix “E” to Public Works Committee Report 20-008, which recommends future park improvement projects and implementation strategies, be adopted;
- (b) That staff be directed to include the Sam Lawrence Park Master Plan project initiatives in future capital budgets, for Council consideration, as part of larger projects or as stand-alone project(s); and,
- (c) That staff be directed and authorized to pursue alternative funding sources and grant opportunities to assist with the funding of the various park improvement projects.

**6. 2020 Mum Show Admission Fee Reduction (PW20058) (City Wide) (Item 9.1)**

That the City of Hamilton’s 2020 Fall Garden and Chrysanthemum Show admission fees, as approved by Council in the Tax Supported User Fees (FCS19092), be reduced to zero to allow free entry.

**7. Hamilton Harbour Waterfront Trail - Shoreline Protection (PW19095(a)) (Ward 1 and 2) (Item 9.2)**

That Option 3 - Stepped Revetment, found on page 153 within the SNC-Lavalin Design Brief - Hamilton Harbour Waterfront Trail Shoreline Protection, which is Appendix “F” to Public Works Committee Report 20-008, be selected as the preferred option for detailed design and construction of the 2 kilometre easterly facing section of the Hamilton Harbour Waterfront Trail.

**8. Ward 8 Capital Infrastructure Reserve Allocation to Sam Lawrence Park Master Plan (Wards 7 and 8) (Item 10.1)**

WHEREAS, staff presented the final Sam Lawrence Park Master Plan to the Public Works Committee on September 21, 2020 for approval;

WHEREAS, the Sam Lawrence Park Master Plan identifies \$16.2 million of projects, with an estimated implementation timeframe of 20 + years;

WHEREAS, Sam Lawrence Park is one of Hamilton’s parkland gems, which attracts visitors for the spectacular views of Hamilton, Lake Ontario and the Niagara Escarpment; and,

WHEREAS, Initiative 5.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan, proposes important pedestrian accessibility improvements;

THEREFORE, BE IT RESOLVED:

- (a) That \$120,000 be allocated from the Ward 8 Capital Infrastructure Reserve (108058) in 2021, and \$809,000 be allocated from the Ward 8 Capital Infrastructure Reserve (108058) in 2022, to the Capital Project ID #4401656603 (Sam Lawrence Park) to fund design and construction of Initiative 5.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan;
- (b) That the annual operating costs of \$45,000 be added to the Parks Operations base budget in 2022; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**9. Ward 7 Capital Infrastructure Reserve Allocation to Sam Lawrence Park Master Plan (Wards 7 and 8) (Item 10.2)**

WHEREAS, staff presented the final Sam Lawrence Park Master Plan to the Public Works Committee on September 21, 2020 for approval;

WHEREAS, the Sam Lawrence Park Master Plan identifies \$16.2 million of projects, with an estimated implementation timeframe of 20 + years;

WHEREAS, Sam Lawrence Park is one of Hamilton’s parkland gems, which attracts visitors for the spectacular views of Hamilton, Lake Ontario and the Niagara Escarpment; and,

WHEREAS, Initiative 4.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan, proposes important pedestrian accessibility and safety improvements;

THEREFORE, BE IT RESOLVED:

- (a) That \$131,000 be allocated from the Ward 7 Capital Infrastructure Reserve (108057) in 2021, and \$892,000 be allocated from the Ward 7 Capital Infrastructure Reserve (108057) in 2022, to the Capital Project ID #4401656603 (Sam Lawrence Park) to fund design and construction of Initiative 4.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan;

- (b) That the annual operating costs of \$5,000 be added to the Parks Operations base budget in 2022; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following change to the agenda:

**5. DELEGATION REQUESTS (Item 5)**

- 5.1 Kevin Vander Meulen and Roman Caruk, Hamilton Cycling Committee, respecting a Motion on the Development of Cycling Infrastructure (for a future meeting)

**CHANGE TO THE ORDER OF ITEMS:**

Items 10.1 and 10.2, respecting Ward 7 & 8 Capital Infrastructure Reserve Allocations to the Sam Lawrence Park Master Plan, be considered immediately following the Report PW18056(a), which is Item 8.1 on today's agenda.

The agenda for the September 21, 2020 Public Works Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 3)**

**(i) September 11, 2020 (Item 3.1)**

The Minutes of the September 11, 2020 meeting of the Public Works Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 5)**

- (i) Kevin Vander Meulen and Roman Caruk, Hamilton Cycling Committee, respecting a Motion on the Development of Cycling Infrastructure (for a future meeting) (Added Item 5.1)**

The delegation request submitted by Kevin Vander Meulen and Roman Caruk, Hamilton Cycling Committee, respecting a Motion on the

Development of Cycling Infrastructure, was approved for a future meeting.

**(e) CONSENT ITEMS (Item 6)**

**(i) Hamilton Cycling Committee Minutes (Item 6.1)**

(a) The following minutes of the Hamilton Cycling Committee, were received:

(i) February 5, 2020 (Item 6.1(a))

(ii) March 4, 2020 (Item 6.1(b))

**(f) PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)**

Councillor Danko advised those viewing the virtual meeting that the public were informed of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

**(i) Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13) (Item 7.1)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 1.

**(ii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 31 Crooks Street and 35 Crooks Street, Hamilton (PW20017) (Ward 1) (Item 7.2)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 31 Crooks Street and 35 Crooks Street, Hamilton (PW20017) (Ward 1) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 2.

**(iii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 75 Catherine Street South, Hamilton (PW20059) (Ward 2) (Item 7.3)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 75 Catherine Street South, Hamilton (PW20059) (Ward 2) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 3.

**(iv) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton (PW20060) (Ward 3) (Item 7.4)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton (PW20060) (Ward 3) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 4.

**(g) STAFF PRESENTATIONS (Item 8)**

**(i) Sam Lawrence Park Master Plan (PW18056(a)) (Wards 7 and 8) (Item 8.1)**

Cynthia Graham, Manager, Landscape Architectural Services, addressed Committee respecting Report PW18056(a), Sam Lawrence Park Master Plan, with the aid of a presentation.

The presentation, respecting Report PW18056(a), Sam Lawrence Park Master Plan, was received.

For further disposition of this matter, refer to Item 5.

**(h) MOTIONS (Item 10)**

**(i) Ward 8 Capital Infrastructure Reserve Allocation to Sam Lawrence Park Master Plan (Wards 7 and 8) (Item 10.1)**

Councillor Danko relinquished the Chair to Councillor Merulla.

For further disposition of this matter, refer to Item 8.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 12)**

**(i) Amendments to the Outstanding Business List (Item 12.1)**

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

**(a) Items Requiring a New Due Date:**

- (i) Feasibility of Accelerated Lead Water Service Line Replacement Options**  
Item on OBL: ABA  
Current Due Date: October 5, 2020  
Proposed New Due Date: October 19, 2020
- (ii) COVID-19 Recovery Phase Mobility Plan**  
Item on OBL: ABE  
Current Due Date: September 11, 2020  
Proposed New Due Date: October 19, 2020

**(j) PRIVATE AND CONFIDENTIAL (Item 13)**

Committee determined that discussion of Item 13.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

**(i) Closed Session Minutes – September 11, 2020 (Item 13.1)**

The Closed Session Minutes of the September 11, 2020 meeting of the Public Works Committee were approved, as presented, and shall remain confidential.

**(k) ADJOURNMENT (Item 14)**

There being no further business, the Public Works Committee was adjourned at 3:19 p.m.

Respectfully submitted,

Councillor J.P. Danko  
Chair, Public Works Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk