



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	February 29, 2016
SUBJECT/REPORT NO:	Proposed Permanent Closure of Portions of the Road Allowance of Harrison Road, Hamilton (PW16005) - (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Marilyn Preston (905) 546-2424, Extension 4298
SUBMITTED BY:	Gerry Davis, CPA, CMA General Manager Public Works Department
SIGNATURE:	

RECOMMENDATION

That portions of the road allowance of Harrison Road, Hamilton, known as Parts 1,4,6 and 8 on Plan 62R-5181, as shown on Appendix "A", attached to Report PW16005, be permanently closed, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the portions of the highway;
- (b) That the appropriate by-law be introduced and enacted by Council;
- (c) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell portions of the closed highway, in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299, in accordance with the direction of the Engineering Services Committee Report 13/80, Item M80-16-036;
- (d) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing portions of the highway in the proper land registry office;
- (e) That the by-law permanently closing portions of the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;
- (f) That the Public Works Department publish a notice pursuant of the City's intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

EXECUTIVE SUMMARY

On July 28, 1980, the Engineering Services Committee of the former Region of Hamilton-Wentworth approved Report 13/80 which directed staff to proceed with the closure of portions of the road allowance of Harrison Road, known as Parts 1, 4, 6 and 8 on Plan 62R- 5181. A portion of the road allowance was to be transferred by the Real Estate division to an abutting property owner at 4363 Harrison Road in exchange for a portion of their privately owned land, known as Part 7 on Plan 62R-5181. The land exchange was required for the realignment of Harrison Road. As these transactions were not completed at the time, staff are now proceeding with the permanent closure of portions of the road allowance of Harrison Road in order to facilitate the outstanding real estate transactions.

Alternatives for Consideration – Page 3

FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: N/A

Staffing: The Economic Development and Real Estate Division will negotiate any associated land transfers and sales once the lands have been permanently closed.

Legal: The City Solicitor will prepare a by-law to permanently close the Subject Lands and will register it in the Registry Office once Council has approved the by-law. The City Solicitor will complete any associated land transfers, pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Economic Development and Real Estate Division

HISTORICAL BACKGROUND

On July 28, 1980, the Engineering Services Committee of the former Region of Hamilton-Wentworth directed staff to permanently close portions of the road allowance of Harrison Road. Parts 1, 4, 6, and 8 on Plan 62R-5181 were to be closed and exchanged with the abutting property owner at 4363 Harrison Road for a portion of their privately owned lands, known as Part 7 on Plan 62R-5181. A portion of Harrison Road crosses these privately owned lands and they must be transferred to the City. As the required permanent closures have still not been completed, staff are now proceeding with the closure of portions of the road allowance of Harrison Road in order to facilitate the outstanding real estate transactions.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A by-law must be passed to permanently close the lands in accordance with the Municipal Act, 2001.

RELEVANT CONSULTATION

The following City Departments and Divisions and Public Utilities were notified of the proposed permanent closures and invited to provide comments:

**SUBJECT: Proposed Permanent Closure of Portions of the Road Allowance of
Harrison Road, Hamilton
(PW16005) (Ward 11) - Page 3 of 3**

- Planning and Economic Development Department: Development Engineering, Building Services, Economic Development and Real Estate and Planning
- Public Works Department: Engineering Services, Hamilton Water, Operations and Corporate Assets and Strategic Planning
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor
- Bell, Horizon Utilities, Hydro One and Union Gas

There were no objections from staff in any City Departments and Divisions or Public Utilities. Hydro One and Union Gas advise that they have installations within the road allowance and should the lands containing their services be transferred to private ownership in the future, easement agreements will be required with the private property owners.

ANALYSIS AND RATIONAL FOR RECOMMENDATION

The Engineering Services Committee, at the meeting of July 28, 1980, directed staff to permanently close portions of the road allowance of Harrison Road to facilitate the realignment of the road. At the time, the permanent closures were not completed. In order to complete this outstanding item, in November of 2015 staff and public utilities were notified of the proposal and asked to provide comments. As no negative comments were received, Public Works staff are proceeding with the permanent closure of the lands to fulfil the direction of the Committee.

ALTERNATIVES FOR CONSIDERATION

Report 13/80 of the Engineering Services Committee of July 28, 1980, directed staff to proceed with the permanent closure of portions of the road allowance of Harrison Road. Therefore, there are no alternatives for consideration.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.1 Continue to grow the non-residential tax base.

APPENDICES AND SCHEDULES ATTACHED

Appendix A: Aerial Drawing

Appendix B: Location Plan