



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 19, 2016
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Road Allowance Between Limeridge Road East and the Lincoln Alexander Parkway, Hamilton (PW16079) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Marilyn Preston (905)546-2424, Extension 4298
SUBMITTED BY:	Gary Moore, P.Eng. Director, Engineering Services Division Public Works Department
SIGNATURE:	

RECOMMENDATION

That the application of C/F Realty Holdings Inc. to permanently close and purchase a portion of road allowance between Limeridge Road East and the Lincoln Alexander Parkway, Hamilton, be approved, subject to the following conditions:

- (i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;
- (ii) That the appropriate by-law be introduced and enacted by Council;
- (iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the closed highway to C/F Realty Holdings Inc., in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 at fair market value;
- (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;
- (v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;
- (vi) 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

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Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

EXECUTIVE SUMMARY

C/F Realty Holdings Inc. has made application to permanently close and purchase a portion of City of Hamilton road allowance between Limeridge Road East and the Lincoln Alexander Parkway. The lands are to be used for future development. As there were no objections to the application received from any municipal Departments or Divisions, Public Utilities or the notices to the neighbourhood, this Department supports the request.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$4367.00. The Subject Lands will be transferred to C/F Realty Holdings Inc. at fair market value, as determined by the Economic Development and Real Estate Division.

Staffing: An agreement to purchase the Subject Lands will be negotiated by the Economic Development and Real Estate Division.

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 the transfer of the Subject Lands to C/F Realty Holdings Inc., pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Economic Development and Real Estate Division.

HISTORICAL BACKGROUND

C/F Realty Holdings Inc. has made application to purchase a portion of City road allowance between Limeridge Road East and the Lincoln Alexander Parkway. The lands are required to facilitate future development associated with their property at Limeridge Mall.

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 provided with a copy of this application and invited to provide comments:

- Planning and Economic Development Department: Development Engineering, Building Services, Economic Development and Real Estate and Planning

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- 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

The Building Services Division has provided the following comments:

“The lands are zoned “AA” (Agricultural). As such, a successful application for a rezoning is a course of action required to permit commercial uses.

Be advised that Subsection 6(19)(b) of Hamilton Zoning By-law 6593 states:

“Notwithstanding any other provision of this By-Law, no structure shall be located within 15.24m of the limits of the Mountain Freeway (now known as the Lincoln Alexander Parkway).”

The lands are subject to Site Plan Control.

The “AA” district requires a lot to have a minimum lot width of 60.0m and a minimum lot area of 12,000.0m².

Be advised that Subsection 4(3)(b) of Hamilton Zoning By-law 6593 states:

“The erection or conversion or use of a building for any residential or institutional purposes upon a lot or tract of land which does not for a distance of 4.5 metres abut upon a public highway of a width of at least 12.0 metres is hereby prohibited”

As such, if the lands are intended to be developed in the future for residential or institutional purposes, a minimum of 4.5m of a lot line shall abut a public highway. This requirement is in addition to any lot width regulation of a specific zone.”

There were no objections from any Municipal Departments or Divisions or Public Utilities received.

Notice of the proposal was sent to property owners within a 400’ (121.9 metre) radius of the Subject Lands, as shown on Appendix “B”, attached to report PW16079). In this instance there were three notices sent. Two of the notices went to C/F Realty Holdings Inc. and one notice went to the City of Hamilton. There were no objections received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections from municipal Departments and Divisions, Public Utilities or the notices to the neighbourhood and as the City will receive the revenue from the sale of the lands at fair market value, staff supports the permanent closure and sale to the applicant.

ALTERNATIVES FOR CONSIDERATION

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The City could deny the application and retain the lands. However, the City would not receive the revenue which will be generated by the sale of the lands at fair market value to the applicant.

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix A: Aerial Drawing

Appendix B: Location Plan

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