



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Engineering Services Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	December 5, 2016
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Road Allowance Between Stonechurch Road West and Upper Horning Road, Hamilton (PW16111) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Marilyn Preston (905) 546-2424, Extension 4298
<b>SUBMITTED BY:</b>	Gord McGuire (Acting) Director, Engineering Services Public Works
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the application of Frank Mulas Construction Ltd. to permanently close and purchase the lands identified as part of the road allowance between Lots 54 and 55 Concession 3 in the Geographic Township of Ancaster, being Part 8 on Plan 62R-14003, Save and Except Part 4 on Plan 62R-16769, in the City of Hamilton, being Part of PIN 17565-1010LT, as shown on Appendix "A", attached to Report PW16111, 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 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 Establish Procedures, including the Giving of Notice to the Public;
- (vii) That the City of Hamilton retains a one foot reserve over the Subject Lands.

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## **EXECUTIVE SUMMARY**

An application has been received to permanently close and purchase a portion of road allowance between Stonechurch Road West and Upper Horning Road, Hamilton, identified as Part 8 on Plan 62R-14003. The 7 other Parts on the Plan were previously permanently closed and sold for development in 1987 by the Regional Municipality of Hamilton-Wentworth. Part 8 was not sold at the time as that Part was owned by Town of Ancaster. As the lands are now owned by the City of Hamilton, the applicant has proposed to permanently close and purchase the lands to remove the remnant parcel and increase the size of one of the existing lots.

***Alternatives for Consideration – See Page 3***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The applicant has paid the Council approved user fee of \$4367.00. The Subject Lands will be transferred to Frank Mulas Construction Ltd. 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 a portion of the Subject Lands to Frank Mulas Construction Ltd., pursuant to an agreement of purchase and sale or Offer to Purchase, as negotiated by the Economic Development and Real Estate Division.

## **HISTORICAL BACKGROUND**

In 1987, 7 parts on Plan 62R-14003 were permanently closed and sold by the Region to private developers. Part 8 was not sold at the time as that particular part was owned by the Town of Ancaster. As the lands are now owned by the City of Hamilton, one of the private developers has applied to the City to permanently close and purchase the Subject Lands to increase the size of one of the existing lots and eliminate the remnant parcel.

## **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:

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- 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 any City Departments and Divisions and Public Utilities.

The Building Division has advised the following:

“This is a vacant parcel which is zoned “C” (Urban Protection Residential) which permits a single family dwelling. The portion of the lands shall be merged in title with the lands to which they are to be added to and shall conform to the requirements of the “C” district. Therefore, a minimum lot area of 360.0m sq. and a minimum lot frontage of 12.0m shall be maintained”.

Notice of the proposal was sent to 44 property owners within a 400’ (121.9 metre) radius of the Subject Lands, as shown on Appendix “B”, attached to report PW16111.

The responses are as follows:

In favour: 0

Opposed: 4

No comment: 40

Those opposed either gave no reason for their opposition or had questions regarding the closure area, as the lands appear to be privately owned.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As there were no objections from municipal Departments and Divisions or Public Utilities and as the City will receive the revenue from the sale of the lands known as Part 8 at fair market value while eliminating a remnant parcel, staff supports the permanent closure and sale to the applicant.

### **ALTERNATIVES FOR CONSIDERATION**

The City could retain the lands however the City would not receive the revenue from the sale of the lands and a remnant parcel of land would remain within the previously developed lands.

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**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix A: Aerial Drawing

Appendix B: Location Plan