



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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	February 27, 2017
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 935 Ridge Road, Hamilton (PW17011) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Marilyn Preston (905) 546-2424 Extension 4298
<b>SUBMITTED BY:</b>	Gary Moore, P.Eng. Director, Engineering Services Public Works
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the application of the owner of 935 Ridge Road, Hamilton, to permanently close and purchase a portion of road allowance abutting the east side of 935 Ridge Road, Hamilton, as shown on Appendix "A", attached to Report PW17011, be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close 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 the closed highway to the owner of 935 Ridge Road, Hamilton, in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 at fair market value;
- (d) 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;
- (e) 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;
- (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

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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**

The owner of 935 Ridge Road, Hamilton, has made application to permanently close and purchase a portion of road allowance abutting the east side of the property, running from Ridge Road to the edge of the escarpment. The applicant proposes to use the lands for farming purposes. As there were no objections from internal staff, public utilities, the neighbourhood or the Niagara Escarpment Commission, staff support the application.

***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 the owner of 935 Ridge Road, Hamilton, at fair market value, as determined by the Economic Development and Real Estate Division.

**Staffing:** Agreements 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 the owner of 935 Ridge Road, Hamilton, pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Economic Development and Real Estate Division.

**HISTORICAL BACKGROUND**

The property known as 935 Ridge Road, Hamilton, abuts a portion of City road allowance running from Ridge Road to the edge of the escarpment. As the road allowance is of no use to anyone but the owner of 935 Ridge Road, the owner has applied to purchase the lands from the City to be used for farming purposes.

**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
- Niagara Escarpment Commission

There were no objections from any City Departments and Divisions, Public Utilities or Agencies.

The Niagara Escarpment Commission submitted the following comments:

“These lands are subject to development control regulations made pursuant to the *Niagara Escarpment Planning and Development Act*. Furthermore, these lands are designated “Escarpment Protection Area” in the Niagara Escarpment Plan (NEP). Having reviewed the NEP policies with respect to the proposed road allowance closure, I find that there is no opportunity to create a new building lot resulting from this closure. Therefore, the subject lands would have to be conveyed to an abutting property or properties. If the transferred portion is to be used for general agricultural development as defined by *Regulation 828/90, as amended*, in conjunction with the abutting property or properties, such a use is exempt under that regulation from the requirement of obtaining a development permit from the Niagara Escarpment Commission (NEC). If the intended use of the transferred lands is something other than general agricultural development, a development permit will be required to permit that change of use.

Subject to the above-noted regulatory and policy matters, the NEC is not opposed to the proposed road allowance closure. “

Notice of the proposal was sent to 6 property owners within a 400' (121.9 metre) radius of the Subject Lands, as shown on Appendix “B”, attached to report PW17011. There were no objections received.

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

As there were no objections received from municipal departments, public utilities, the neighbourhood or the Niagara Escarpment Commission, staff are supportive of the permanent closure and sale.

### **ALTERNATIVES FOR CONSIDERATION**

The City could deny the application and retain the lands. However, as the City would not receive the revenue which will be generated by the sale of the lands at fair market value to the applicant, permanently closing and transferring the lands to the owner of 935 Ridge Road, Hamilton, is the most reasonable course of action.

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

**Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix A: Aerial Drawing

Appendix B: Location Plan