



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	March 20, 2017
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 10 Dennis Avenue, Waterdown (PW17020) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Marilyn Preston (905) 546-2424, Extension 4298
SUBMITTED BY:	Gary Moore, P. Eng. Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION

That the application of Habitat for Humanity Hamilton to permanently close and purchase a portion of road allowance abutting 10 Dennis Avenue, Waterdown, as shown on Appendix "A", attached to Report PW17020, 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 Habitat for Humanity Hamilton, in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 for a nominal fee;
- (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;
- (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 By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton;

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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- (g) That the applicant enters into agreements with any Public Utility requiring easement protection.
- (h) That the Council approved \$4,367.00 User Fee be waived in this instance for the not for profit agency Habitat for Humanity Hamilton.

EXECUTIVE SUMMARY

Habitat for Humanity has made application to permanently close and purchase a portion of road allowance at the south/west corner of Dundas Street East and Dennis Avenue in Waterdown. The Subject Lands are part of the road allowance of the former Provincial Highway 5 and there is currently a 15.2 X 15.2 metre daylight triangle at the intersection. In order to facilitate the development of townhouses at this location, the applicant is requesting that the daylight triangle requirement be reduced to 12.19 X 12.19 metres. As a 12.19 metre daylight triangle is all that would currently be required by the City, staff support the reduction of the daylight triangle requirement in order to facilitate the development of Habitat for Humanity housing.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Subject Lands will be transferred to Habitat for Humanity Hamilton for a nominal fee. Due to Habitat for Humanity Hamilton's not for profit status, the \$4,367.00 User Fee which would be applicable has been waived.

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 Habitat for Humanity 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

Habitat for Humanity Hamilton has proposed to construct three townhouses in Waterdown. In order to facilitate the development, the applicant is requesting to purchase a portion of the road allowance at the south/west corner of Dundas Street East and Dennis Avenue.

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
- 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, Public Utilities or Agencies. Union Gas will require an easement for their equipment located within the closure area.

Notice of the proposal was sent to 30 property owners within a 400' (121.9 metre) radius of the Subject Lands, as shown on Appendix "B", attached to report PW17020. There was one response in support of the application and two responses opposed. Those opposed did not provide any reason for their opposition and their properties are not located on either Dundas Street East or Dennis Avenue.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from Municipal Departments or Public Utilities and as the lands will facilitate a Habitat for Humanity development, staff are supportive of the permanent closure and sale.

ALTERNATIVES FOR CONSIDERATION

The City could deny the application and retain the lands. However, the lands are required to facilitate the development of a Habitat for Humanity project.

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