



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 19, 2017
SUBJECT/REPORT NO:	Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton (PW17047 / PED17109) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Marilyn Preston (905) 546-2424, Extension 4298 Sally Yong-Lee, P. Eng. (905) 546-2424, Extension 1428
SUBMITTED BY:	Susan Jacob, P. Eng. (Acting) Director, Engineering Services Public Works Tony Sergi, P. Eng. Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That a portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, as shown on Appendix "A", attached to Report PW17047 / PED17109, be permanently closed and retained, 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 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;

- (d) 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;
- (e) 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.

EXECUTIVE SUMMARY

The concept of closing a part of Mountain Brow Road was through the approved Waterdown South Secondary Plan. The secondary plan proposed a mid-block road (Burke Street) from Dundas Street connecting to Mountain Brow Road without an intersection. As a result, Mountain Brow Road, immediately east of the new mid-block road would be closed. The closed portion will be retained by the City and will incorporate a multi-use path and a Low Impact Development (LID) bio-retention swale.

Conservation Halton supports closing this section of Mountain Brow Road as it will have environmental benefits related to the protection of adjacent Jefferson Salamander habitat, an endangered species.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Waterdown Bay Ltd. has paid the Council approved User Fee for a permanent road closure.

Staffing: N/A

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.

HISTORICAL BACKGROUND

The Waterdown South Secondary supports the permanent closure of Mountain Brow Road from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive. A new mid-block road (Burke Street) through the Waterdown South development lands is to connect directly into Mountain Brow Road without an intersection. As a result, Mountain Brow Road immediately east of the new mid-block road will be closed.

Conservation Halton has no objection to the proposed Mountain Brow Road closure. The closure will not interfere with access to their lands on the south and the closure will have environmental benefits related to the protection of the Jefferson Salamander habitat.

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, Economic Development and Real Estate and Planning;
- Public Works Department: Engineering Services, Environmental Services, Hamilton Water, Operations, and Transportation;
- Hamilton Emergency Services;
- Corporate Services Department: Budgets and Finance;
- Mayor and Ward Councillor; and,
- Bell, Alectra (Horizon Utilities), Hydro One and Union Gas.

No utilities were opposed to the permanent closure of the road. Alectra (formerly Horizon Utilities) has provided a summary of conditions that must be met should any works have an impact on Alectra installations.

Notice of the proposal was sent to three (3) property owners within a 400' (121.9 metre) radius of the Subject Lands, as shown on Appendix "B", attached to report PW17047 / PED17109. The property owner of 398 Mountain Brow Road responded that they were opposed to the closure. 398 Mountain Brow Road has no direct access to its property and access is by way of an easement over Conservation Halton lands. Continued access will be provided through the proposed subdivision.

Implementation of the approved Waterdown South Secondary Plan results in a closure of Mountain Brow Road and it should also be noted 398 Mountain Brow Road was unsuccessful with their appeal to the Ontario Municipal Board (OMB) and the Divisional Court.

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 retain the lands, staff supports the permanent closure of the lands.

ALTERNATIVES FOR CONSIDERATION

The Subject Lands could remain open. However, not permanently closing the portion of Mountain Brow Road would not support the approved Waterdown South Secondary Plan.

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