

Pilon, Janet

Subject: Oppose Privatization of Dundas Alley

From: Ned Nolan

Sent: June-27-17 11:33 AM

To: clerk@hamilton.ca

Cc: Office of the Mayor; Johnson, Aidan; Farr, Jason; Green, Matthew; Merulla, Sam; Collins, Chad; Jackson, Tom; Skelly, Donna; Whitehead, Terry; Conley, Doug; Pearson, Maria; Johnson, Brenda; Ferguson, Lloyd; VanderBeek, Arlene; Pasuta, Robert; Partridge, Judi

Subject: Oppose Privatization of Dundas Alley

Dear City Clerk and Councillors,

I am writing to add my voice to chorus of Hamiltonians urging the City **not to approve** the sale of the public unassumed Alley between Sydenham Road, Cross Street, Alma Street and Victoria Street, in Dundas.

Please vote against this proposal on **June 28, 2017** which is Item **5.7** on your Agenda.

1. Public Interest: Council's job is to put the interest of the City and its communities as a whole before the private interest of any one individual. The City as a whole and the Dundas Community will not benefit from this sale and countless local residents who use and love this public space are opposed to the sale.

2. Celebrate our Assets: Hamilton is changing and many communities are recognizing that their alleyways are not the "dingy" places they maybe used to be, but they are wonderful and unique assets contributing to walkability and quiet public greenspace. Accordingly, the City's policy on this subject as a whole should be reviewed. There is a significant risk that, if the City keeps selling alleys at the current rate, that slowly, these unique and important public spaces will be eroded away one by one until they're all gone.

3. Safety of Children: The suggestion is absurd and offensive that the Alley should be closed because children using it as a *safer* route to school than Sydenham might be tempted to cross at quite Alma Street adjacent to the alley where there is no crosswalk. If the City is concerned for the safety of these children, whose parents *prefer* their use of the alley than dangerous Sydenham, a cross walk could be installed at the end of the alley; Or a sign at Alma St. saying "please cross at crosswalk;" Or a small barrier at the sidewalk preventing crossing at this section. There are a number of alternatives rather than closing the alley itself!

4. Fear of Liability: Please don't let a blind and uniformed fear of "liability" guide your decision on this matter. Liability can be mitigated a number of ways other than the City entirely washing its hands of this public space. Closing a recreation centre would decrease the City's potential liability involving that recreation centre. That doesn't make it the right thing to do! Similarly, I understand there is no real legal risk that the alley will accidentally become "assumed" if the City makes its intention not to assume it crystal clear.

5. Bad Faith of Applicant: The property owner who has applied for this sale should not be rewarded for having illegally encroached upon this public walkway or his having illegally paved a portion of the walkway without a heritage permit.

6. Easement Rights: Local residents have common law easement and right-of-way rights to this century-old community walkway. Their common law rights in this regard must be respected.

Thank you for considering the above points. *Please vote against the needless and pointless privatization of this public space and, going forward, please conduct a review the City's policy on these matters so that Hamilton's beautiful alleys will be protected for future generations.*

Sincerely,

Ned Nolan
Ward 1