



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 18, 2018
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 357 Wilson Street East, Ancaster (PW18048) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Gary Kirchknopf Corridor Management (905) 546-2424, Extension 7217 Cetina Farruggia Corridor Management (905)546-2424, Extension 7217
SUBMITTED BY:	Gord McGuire Geomatics and Corridor Management Public Works
SIGNATURE:	

RECOMMENDATION

That the application of the owner of 357 Wilson Street East, Ancaster, to permanently close and purchase a portion of road allowance abutting 357 Wilson Street East, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW18048 be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare any necessary by-laws to permanently close and sell the Subject Lands, for enactment by Council;
- (b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed highway to the owners of 357 Wilson Street East, Hamilton, shown on Appendix "A", as described in report PW18048 in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (c) The City Solicitor be authorized to complete the transfer of the subject lands to the owners of 357 Wilson Street East, Ancaster pursuant to an Agreement of Purchase and Sale as negotiated by the Real Estate Section of the Planning and Economic Development Department;

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- (d) That the City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the highway in the proper land registry office;
- (e) That the Public Works Department provide any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (f) That the applicant enters into agreements with any Public Utility requiring easement protection;
- (g) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

EXECUTIVE SUMMARY

The owner of 357 Wilson Street East, Ancaster has made an application to permanently close and purchase a portion of the road allowance abutting the northeast side of the property, being the northerly section of Queen Street, Ancaster. The applicant proposes the closure and sale of Parcel "A", on Appendix "A", as described in report PW18048 in order to facilitate land assembly required for future development. The applicant requires the closing of Parcel "B", on Appendix "A", as described in PW18048 in order to reaffirm the closing of this previously closed road allowance as staff could not identify a registered by-law. As there were no objections from internal departments, divisions or public utilities, and no objections from abutting land owners, staff support the application.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: In this instance, due to the City of Hamilton being the applicant, there is no user fee associated with this application.

Staffing: An agreement to purchase the Subject Lands will be negotiated by the Real Estate Section of the Planning and Economic Development Department.

Legal: The City Solicitor will prepare all necessary by-laws to permanently close and sell the Subject Lands and will register all such by-laws in the Land Registry Office once Council has approved the by-law. The by-laws do not take effect until the certified copy of the by-law is registered in the proper land registry office. The City Solicitor will complete the transfer of the Subject Lands to the owners of 357 Wilson Street East, Ancaster, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

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HISTORICAL BACKGROUND

Queen Street, Ancaster was created by Registered Plan 347. An application was received by the owners of 357 Wilson Street East, Ancaster, being the City of Hamilton, to stop up and close Parcel A of the Subject Lands in order to facilitate land assembly required for future development. Upon circulation of this proposed closure, staff identified the need for a clear closure of Parcel B of the Subject Lands, as these lands were part of a larger land parcel sold to the City of Hamilton on September 15, 2014 by the Hamilton-Wentworth District School Board. Upon title search and review of these lands, staff were not able to identify a closing by-law registered to title. As such, staff are requesting these lands to be officially closed by by-law to reaffirm this road closure.

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

There were no objections received from any public utilities, City departments and divisions.

Alectra Utilities has advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix "B", for comment. In this instance, there were 10 notices mailed, and the results are as follows:

In favour: 1

Opposed: 0

No comment: 0

There were no opposed or negative responses received from abutting land owners.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City Departments, Divisions, or Public Utilities, and there were no objections received from abutting land owners, staff are supportive of this application for the closure and sale of the Subject Lands to the owners of 357 Wilson Street East, Ancaster.

ALTERNATIVES FOR CONSIDERATION

The City could deny this application and Parcel A of the Subject Lands would remain public highway, and Parcel B of the Subject Lands would remain questionably closed.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix A: Aerial Drawing

Appendix B: Location Plan