



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	January 14, 2019
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of York Road being 501 York Road, Dundas, ON (PW19004) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Gary Kirchknopf, Senior Project Manager Corridor Management (905) 546-2424, Extension 7217 Cetina Farruggia, Road Programming Technician Corridor Management (905) 546-2424, Extension 5803
SUBMITTED BY:	Gord McGuire Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION

That the application of the owner of 501 York Road, Dundas, to permanently close and purchase a portion of York Road being 501 York Road, Dundas ("Subject Lands"), as shown on Appendix "A", attached to Report PW19004, be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, 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 501 York Road, Dundas, 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 owner of 501 York Road, Dundas pursuant to an Agreement of Purchase and Sale or Offer to Purchase 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-law(s) permanently closing and selling the highway in the proper land registry office;
- (e) That the Public Works Department publish 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 501 York Road (who is the City of Hamilton), Dundas has made an application to permanently close and purchase a portion of the road allowance of York Road, Dundas. The City proposes this closure in order to formalize the property limit for the York & Valley Water Pumping station in order to facilitate the upcoming construction project for security fencing. As there were no objections from any City Departments, Divisions or Public Utilities, and no objections received 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 such by-laws in the Land Registry Office once Council has approved the by-law. The by-law does 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 501 York Road, Dundas pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

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HISTORICAL BACKGROUND

The York and Valley Water Pumping Station was built in the 1980's. At the time the station was built, an application should have been submitted to close the road allowance and establish the property limits for the pump station. This did not take place. On July 5, 2018 an application from the owner of 501 York Road, Dundas was received for the purpose of delineating the parcel of land that is occupied by the York and Valley Water Booster Pump Station building from the adjacent roadways (York Road and Valley Road). Currently, the pump station falls completely within the limits of the existing road allowance. In order to facilitate the upcoming construction project for Security Fencing at the York and Valley Water Pumping Station, the legal property line needs to be established.

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.

Bell and Alectra Utilities 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" attached to Report PW19004, for comment. In this instance, there were 3 notices mailed, and the results are as follows:

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In favour: 1

Opposed: 0

No comment: 1

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

Transportation Planning provided the following comments:

“Future right-of-way widths must be followed:

Arterial Roads (York Road) are to be, 36.567 metres, but in certain circumstances a right of way width of 45.720 may be required as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Valley Road) are to be 36 metres as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. A survey conducted by an Ontario Land Surveyor will determine the ultimate dimensions for the road allowance widening(s).”

Corridor Management provided the following comments:

“Being that Valley and York appear to be Arterial to Collector (Ultimate width of 36.576M) the proposed daylight triangle should be 12m by 12m.”

Zoning provided the following comments:

“Be advised that pursuant to Ontario Regulations 828/90, as amended from time to time, when lands are located within the Development Control Area defined under Ontario Regulation 826/90, as amended from time to time, and identified as “Niagara Escarpment Commission Development Control Area” on Schedule “A” – Zoning Maps, zoning shall have no effect and is provided for information purposes only. The applicant is encouraged to contact the Niagara Escarpment Commission at (905) 877-5191 for approval and/or consultation purposes.”

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As the York and Valley Road Pump Station is located fully within the road allowance of York Road and the legal property line needs to be established in order to facilitate the Security Fencing project, and as there were no objections received from any City Departments, Divisions, Public Utilities, or abutting land owners, staff recommend the closure and sale of the Subject Lands to the owners of 501 York Road, Dundas.

ALTERNATIVES FOR CONSIDERATION

The City could deny this application and the Pump Station lands would continue to occupy the road allowance.

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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