



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Engineering Services Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	February 4, 2019
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Gary Kirchknopf (905) 546-2424, Extension 7217  Cetina Farruggia, (905) 546-2424, Extension 5803
<b>SUBMITTED BY:</b>	Gord McGuire Director, Engineering Services Public Works
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the application of Panattoni Development Company, to permanently close and purchase a portion of Wetenhall Court, Hamilton ("Subject Lands"), as shown on Appendix "A" and Appendix "B", attached to Report PW19011, 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 Panattoni Development Company, 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 Panattoni Development Company 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;
- (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;

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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.*

- (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**

Panattoni Development Company has made an application to permanently close and purchase a portion of Wetenhall Court, Hamilton. The applicant proposes this closure in order to facilitate land assembly. As there were no objections received from any City Departments, Divisions, or Public Utilities and no objections received from any abutting land owners, staff are in support the application.

***Alternatives for Consideration – See Page 3***

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The applicant has paid the Council approved user fee of \$4,454.00. The Subject Lands will be sold to Panattoni Development Company, as determined by the Real Estate Section of the Planning and Economic Development Department, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204.

**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 Panattoni Development Company, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

### **HISTORICAL BACKGROUND**

The Subject Lands were created and dedicated to the City of Hamilton through Registered Plan 62M-1229. On November 14, 2018, an application was received by Panattoni Development Company to close and purchase the Subject Lands in order to facilitate land assembly for the redevelopment of the subdivision in association with development application DA-18-217. There were no objections received from any City

Departments, Divisions, or Public Utilities, and no objections from any abutting land owners. As such, staff are in support of the closure and sale of the Subject Lands to the applicant.

### **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 Hydro One have 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 12 notices mailed, and the results are as follows:

In favour: 0                      Opposed: 0                      No comment: 0

No objections were received.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As there were no objections received from any internal Departments, Divisions, or Public Utilities, and no objections received from any abutting land owners, staff are in support of the application.

### **ALTERNATIVES FOR CONSIDERATION**

The City could deny this application and the Subject Lands would remain public highway.

**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