



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	February 22, 2019
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Vansitmart Avenue, Hamilton (PW19018) (Ward 4)
WARD(S) AFFECTED:	Ward 4
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 from Vanpark Imported Automobiles Inc. ("Applicant"), to permanently close and purchase a portion of Vansitmart Avenue, Hamilton ("Subject Lands"), as shown on Appendix "A" and Appendix "B", attached to Report PW19018, 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 Applicant, 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 Applicant 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;

OUR Vision: To be the best place to raise a child and age successfully.

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;
- (h) 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;
- (g) That the City of Hamilton retain any necessary road widenings to the satisfaction of the Manager, Geomatics and Corridor Management Section in accordance with the City of Hamilton's Official Plan.

EXECUTIVE SUMMARY

The Applicant has made an application to permanently close and purchase a portion of Vansitmart Avenue, Hamilton in order to facilitate land assembly associated with the redevelopment of lands municipally known as 324-328 & 308 Parkdale Avenue North, and 1811-1815 Barton Street East proposed through SPA-18-002. As there were no objections received by any City Departments, Divisions, or Public Utilities, and no objections received from any abutting land owners, staff support the application.

Alternatives for Consideration – See Page 4

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

HISTORICAL BACKGROUND

The Subject Lands was legally created by By-Law 7597, registered as BL1689. On December 5, 2017 the Applicant submitted a Site Plan Amendment application (SPA-18-002) to Planning and Economic Development staff. Upon circulation of this application, comments were provided to the Applicant regarding the appropriate setback, road widenings and daylight triangles required by the City in order to facilitate their proposal. After further discussion with staff, a recommendation was put forth to close and purchase the Subject Lands in order to facilitate land assembly for the revised site plan and avoid any setback, road widening and daylight triangle issues. On June 4, 2018, staff received a formal application to stop up, close and purchase the Subject Lands from the Applicant. 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 in support of the closure and sale of the portion of 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.

Horizon has advised that they will require easement protection.

Corridor Management provided the following comments:

“We need to retain the ultimate road allowance as outlined in the OP at Parkdale Ave North. Parkdale Ave North is a Minor Arterial Road with a Maximum ROW of 36.576m which would equal 8.230m widening at Vansitmart Ave.”

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 9 notices mailed, and the results are as follows:

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In favour: 0

Opposed: 0

No comment: 0

The applicant is the owner of the majority of properties abutting the Subject Lands. No opposed responses were received from any residents/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 any abutting land owner or resident, staff are in support of the application by the Applicant to close and purchase the Subject Lands.

ALTERNATIVES FOR CONSIDERATION

The City could deny this application and retain the lands as 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