



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

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| <b>TO:</b>                | Chair and Members<br>Public Works Committee   |
| <b>COMMITTEE DATE:</b>    | March 18, 2019  |
| <b>SUBJECT/REPORT NO:</b> | Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 600 5 <sup>th</sup> Concession Road West, Flamborough (PW19027) (Ward 15) |
| <b>WARD(S) AFFECTED:</b>  | Ward 15   |
| <b>PREPARED BY:</b>       | Gary Kirchknopf (905) 546-2424 Ext. 7217<br>Cetina Farruggia (905) 546-2424 Ext. 5803   |
| <b>SUBMITTED BY:</b>      | Gord McGuire<br>Director, Engineering Services<br>Public Works  |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION**

That the application of the owner of 600 5<sup>th</sup> Concession Road West, Flamborough, to permanently close and purchase a portion of road allowance abutting the East side of 600 5<sup>th</sup> Concession Road West, Flamborough ("Subject Lands"), as shown on Appendix "A", attached to Report PW19027, 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 600 5<sup>th</sup> Concession Road West, Flamborough, 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 600 5<sup>th</sup> Concession Road West, Flamborough 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 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 600 5<sup>th</sup> Concession Road West, Flamborough, has made an application to permanently close and purchase a portion of the road allowance abutting the east side of the property. The applicant proposes this closure in order to acquire legal access to the rear of his property in order to satisfy requirements associated with Site Plan Application MDAR-17-221. As there were no objections from any City Departments, Divisions, or Public Utilities, and no objections from any abutting land owners, staff are in support of the closure and sale of the Subject Lands to the owner of 600 5<sup>th</sup> Concession Road West, Flamborough.

**Alternatives for Consideration – See Page 4**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The applicant has paid the Council approved user fee of \$4,543.00. The Subject Lands will be sold to the owners of 600 5<sup>th</sup> Concession Road West, Flamborough, 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

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registry office. The City Solicitor will complete the transfer of the Subject Lands to the owners of 600 5<sup>th</sup> Concession Road West, Flamborough, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

## **HISTORICAL BACKGROUND**

The Subject Lands are a portion of the original unopened road allowance between Lots 12 and 13, Concession 4, West Flamborough. On August 7, 2018, staff received an application from the owner of 600 5<sup>th</sup> Concession Road West, Flamborough to close and purchase a portion of the Subject Lands in order to acquire lands needed to create an additional legal access to the rear of his property to satisfy requirements associated with Site Plan Application MDAR-17-221. As there were no objections from any City Departments, Divisions, or Public Utilities, and no objections from any abutting land owners, staff are in support of the closure and sale of the Subject Lands to the owner of 600 5<sup>th</sup> Concession Road West, Flamborough.

## **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.

Halton Region Conservation Authority provided the following comments:

“It continues to be my understanding that the application is being made so that the landowner at 600 Concession 5 West can have access to his property, in support of the

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current Site Plan Application (MDAR-17-221) proposing structures and development for an agricultural use on site and that no upgrades to the accessway are proposed at this time. Provided the applicant is aware that CH [Halton Region Conservation Authority] would only support the accessway being used in support of an agricultural use on site, and may not support/permit any future upgrades to that accessway, I have no further comment.”

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 16 notices mailed, and the results are as follows:

In favour: 0                      Opposed: 0                      No comment: 0

There were no opposed responses received.

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

As there were no objections from any City Departments, Divisions, or Public Utilities, and no objections from any abutting land owners, staff are in support of the closure and sale of the Subject Lands to the owner of 600 5<sup>th</sup> Concession Road West, Flamborough.

### **ALTERNATIVES FOR CONSIDERATION**

The City could deny this application and the 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