



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 14, 2019
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 40 Maple Drive, Stoney Creek (PW16112a) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Gary Kirchknopf (905) 546-2424 Ext. 7217 Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Gord McGuire Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION(S)

That the application of the Bruce Trail Conservancy, to permanently close and purchase a portion of road allowance abutting 40 Maple Drive, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW16112(a), 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) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the Bruce Trail Conservancy, as described in Report PW16112a, 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 Bruce Trail Conservancy 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 enter into any ancillary agreements required by the City and any Public Utility;
- (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 Bruce Trail Conservancy has made an application to permanently close and purchase a portion of the road allowance abutting the 40 Maple Drive, Stoney Creek, in order to complete the original application approved by Council through report PW16112, to secure access to the main trail from the intersection of Millen Road and Maple Drive. The Subject Lands were not included in the original report and therefore require approval in order to complete the proposed transaction. As there were no objections from internal staff or public utilities, and only one objection from an abutting land owner, who did not provide reason for their objection, staff are in support of the closure and sale of the Subject Lands to the Bruce Trail Conservancy.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Due to the nature of this application being ongoing from an original application in 2016, there is no user fee associated with this application. The Subject Lands will be sold to the Bruce Trail Conservancy, 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.

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

HISTORICAL BACKGROUND

The Subject Lands are part of the Original Road Allowance between Lots 18 and 19, Concession 3 and Concession 4, in the Geographic Township of Saltfleet. The lands abutting the Northern limit of the Subject Lands have historically been used as a public access point to the Bruce Trail. A portion of this road allowance was approved for closure and sale through report PW16112. Unfortunately, this report excluded the Subject Lands and would have created a land locked parcel of City owned road allowance. In order to rectify this issue and also provide access to the Bruce Trail from Millen Road and Maple Drive, on January 14, 2019, the Bruce Trail Conservancy has made an application to close and purchase the Subject Lands. There were no objections received from any City Department, Division, or Public Utility. There was one objection received from an abutting land owner, but no reason for objection was provided. As such, staff are in support of the closure and sale of the Subject Lands to the Bruce Trail Conservancy.

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 public utilities, City departments and divisions were provided with a copy of the application and were 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

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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", attached to Report PW16112(a) for comment. In this instance, there were 5 notices mailed, and the results are as follows:

In favour:0

Opposed: 1

No comment:0

The one opposed response did not provide reason for objection.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As there were no objections from any City department, division, or public utility and only one objection from an abutting land owner who did not provide reason for objection, staff are in support of the closure and sale of the Subject Lands to the Bruce Trail Conservancy.

ALTERNATIVES FOR CONSIDERATION

The City could deny this application and the Subject Lands would remain unopened road allowance.

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" to Report PW16112a - Aerial Drawing

Appendix "B" to Report PW16112a- Location Plan

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