



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 6, 2019
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Hatt Street, Dundas (PW19074) (Ward 13)
WARD(S) AFFECTED:	Ward 13
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 owner of 118 Hatt Street, Dundas, to permanently close and purchase a portion of Hatt Street, Dundas ("Subject Lands"), as shown on Appendix "A" and Appendix "B", attached to Report PW19074, 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 enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the owners of 118 Hatt Street, Dundas, as described in Report PW19074, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (c) That the City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 118 Hatt Street, 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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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.

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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 118 Hatt Street, Dundas, has made an application to permanently close and purchase a portion of the road allowance abutting the Northeast side of their property. The applicant proposes this closure in order to clean up a clerical error made by the land surveyor which resulted in an over dedication and of a daylight triangle from the owner of 118 Hatt Street to the City of Hamilton at the Northeast intersection of Hatt Street and McMurray Street, Dundas. As there were no objections from internal staff or public utilities, and no abutting land owners, staff support the application for closure and sale of the Subject Lands to the owners of 118 Hatt Street, Dundas.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Due to the nature of this application there was no user fee associated with this application. The Subject Lands will be sold to the owners of 118 Hatt Street, Dundas, 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 owners

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of 118 Hatt Street, Dundas, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands have been the subject of a Development Application DA-17-145. Through the Site Plan review process, it was determined that road widenings were required from both Hatt Street and McMurray Street, Dundas, as well as, a daylighting triangle at the intersection of Hatt Street and McMurray Street, Dundas. Initially, the City requested a triangle having dimensions of 7.5 metres x 7.5 metres, the dimensions were subsequently reduced pursuant to discussions with City staff to require a triangle having dimensions of 3.5 metres x 4.5 metres. The final Site Plan SPA-17-145 approved by the City reflects the reduced dimensions.

To satisfy the Condition of Site Plan Approval a draft Reference Plan was prepared with input from City Geomatics & Corridor Management Staff. The Reference Plan was deposited (Plan 62R-20968) and the lands transferred to the City on September 19, 2018 by Registered Instrument WE1309721.

It was subsequently determined that there was an error on the final Reference Plan with respect to the dimensions of the daylighting triangle and an over-dedication had occurred. The final plans showed dimensions of 7.5 by 7.5 metres whereas only 3.5 by 4.5 metres was required.

On June 20, 2019 an application from the owners of 118 Hatt Street, Dundas was received by staff for the purpose of correcting the error that occurred related to the dedication of the daylight triangle.

There were no objections received from any City Department, Division, or Public Utility. As there were no other abutting land owners and external circulation was not required. As such, staff are in support of the closure and sale of the Subject Lands to the owners of 118 Hatt Street, Dundas.

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:

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- 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.

As there were no other abutting land owners no external circulation was required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As there were no objections received from any City department, division, or public utility, staff are in support of the closure and sale of the Subject Lands to the owners of 118 Hatt Street, Dundas.

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

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW19074 - Aerial Drawing
Appendix “B” to Report PW19074 - Location Plan