



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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	September 16, 2019
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Fletcher Avenue, Hamilton (PW19075) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Gary Kirchknopf (905) 546-2424 Ext. 7217 Cetina Farruggia (905) 546-2424 Ext. 5803
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Gord McGuire Director, Engineering Services Public Works

**RECOMMENDATION(S)**

That the application of the owner of 147 Beach Boulevard, to permanently close and purchase a portion of Fletcher Avenue, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW19075, 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 147 Beach Boulevard, Hamilton, as described in Report PW19075, 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 147 Beach Boulevard, Hamilton 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.

- (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 147 Beach Boulevard, Hamilton, has made an application to permanently close and purchase a portion of the road allowance abutting the west side of the property in order to satisfy requirements related to Committee of Adjustment file HM/B-17:105. The applicant proposes this closure in order to facilitate the required access to the existing home located at the rear of 147 Beach Boulevard, Hamilton. As there were no objections from internal staff or public utilities, and no objections from any abutting land owner provided, 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 \$4,543.00. The Subject Lands will be sold to the owners of 147 Beach Boulevard, Hamilton, 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 of 147 Beach Boulevard, Hamilton, pursuant to an agreement negotiated by

the Real Estate Section of the Planning and Economic Development Department.

## **HISTORICAL BACKGROUND**

Fletcher Avenue was a parcel of road established by Plan of Subdivision RP-452. It is currently used by the owners of 147 Beach Boulevard and 153 Beach Boulevard to provide rear access to the homes located at the rear of each of these properties. In 2017, the owners of 147 Beach Boulevard applied through the Committee of Adjustment for a land severance being file HM/B-17:105. In 2018, the owner received conditional approval regarding this consent application. In order to satisfy the conditions within this approval, the owners needed to acquire appropriate road frontage. On December 18, 2018, staff received an application from the owner of 147 Beach Boulevard to close and purchase the Subject Lands in order to satisfy one of the required conditions of approval. There were no objections received from any City Department, division, or public utilities and no objections received from any abutting land owner. As such, staff are in support of the closure and sale of the Subject Lands to the owner of 147 Beach Boulevard, Hamilton.

## **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

There were no objections received from any public utilities, City departments and divisions.

Union Gas and Alectra have advised that they will require easement protection.

Hamilton Water provided the following comments:

“Hamilton Water would be satisfied with maintaining an easement for maintaining the existing sanitary sewer and for potential future construction of a storm sewer. Given that there also appears to be a gas main in this laneway in addition to the sewer, we request that an easement of 6.0m width be obtained, to allow adequate space for the storm sewer construction.

If the current studies do not show a need for a storm sewer at this location, we would be willing to entertain a narrowing of the easement at a future date.”

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, attached to Report PW19075, for comment. In this instance, there were 8 notices mailed, and the results are as follows:

In favour: 0

Opposed: 0

No comment: 1

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

As there were no objections received from any City Department, Division or Public Utilities and no objections received from any abutting land owner, staff recommend the closure and sale of the Subject Lands to the owners of 147 Beach Boulevard, Hamilton.

### **ALTERNATIVES FOR CONSIDERATION**

The City could deny this application and the lands would remain Public 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 PW19075 - Aerial Drawing

Appendix “B” to Report PW19075 - Location Plan