



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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	February 3, 2020
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1479 Baseline Road, Stoney Creek (PW20007) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Gary Kirchknopf (905) 546-2424 Ext. 7217 Cetina Farruggia (905) 546-2424 Ext. 5803
<b>SUBMITTED BY:</b>	Gord McGuire Director, Engineering Services Public Works
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

That the application of the Hamilton Region Conservation Authority to permanently close and purchase a portion of road allowance abutting 1479 Baseline Road, Stoney Creek ("Subject Lands"), as shown on Appendix "A", attached to Report PW20007, 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 Subject Lands to the Hamilton Region Conservation Authority, as described in Report PW20007, 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 Hamilton Region Conservation Authority 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 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.

- (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 Hamilton Region Conservation Authority has made an application to permanently close and purchase a portion of the road allowance that runs through 1479 Baseline Road, Stoney Creek. The applicant proposes this closure in order to continue to maintain existing conservation area infrastructure located within the Subject Lands. There were no objections received from any internal City department, division, or public utilities. There were 2 in favour responses received from abutting land owners and 1 objection. The objector has lands that abut the Subject Lands and is currently occupying portions of the Subject Lands unauthorized. The option to acquire the lands was provided to the owner. Staff did not receive an application from the opposing owner by the assigned timeline. As such, staff are in support of the closure and sale of the Subject Lands to the Hamilton Region Conservation Authority.

## **Alternatives for Consideration – See Page 4**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The applicant has paid the Council approved user fee of \$4,634.00. The Subject Lands will be sold to the Hamilton Region Conservation Authority, 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 Hamilton Region Conservation Authority, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

## **HISTORICAL BACKGROUND**

The Subject Lands represent a portion of the untravelled road allowance between the Geographic Township of Saltfleet and the Geographic Township of North Grimsby designated as Part 1 on Plan 62R-5036. The road allowance was historically occupied by the Hamilton Region Conservation Authority and was closed by the Town of Stoney Creek By-Law 1455-83 on April 12, 1983. This by-law was never registered to title. On January 23, 2019 an application was received from the Hamilton Region Conservation Authority to initiate the City of Hamilton's current road closure process to officially close and purchase the Subject Lands and clean up title to the lands historically occupied by the Hamilton Region Conservation Authority. There were no objections received from any City department, division, or public utilities. There were 2 in favour responses received from abutting land owners, and 1 objection received from an abutting land owner. The objecting land owner was given the ability to make an application to apply for the portion of the lands they currently occupy unauthorized. No application was received by staff prior to the timeline provided. As such, staff are in support of the closure and sale of the Subject Lands to the Hamilton Region Conservation Authority.

## **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

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- 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 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 PW20007 for comment. In this instance, there were 11 notices mailed, and the results are as follows:

In favour: 2

Opposed: 1

No comment: 0

The opposed owner was given the option to express their interest in purchasing a portion of the Subject Lands that they currently occupy unauthorized. Staff did not receive an application by the prescribed timeline provided. As such, staff are proceeding to recommend the closure and sale of the Subject Lands to the Hamilton Region Conservation Authority.

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

As there were no objections received from any City department, division, or public utility and only one objection received from an abutting land owner whose objection has been addressed by staff, staff are supportive of the closure and sale of the Subject Lands to the Hamilton Region Conservation Authority.

### **ALTERNATIVES FOR CONSIDERATION**

The City could deny this application and the 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 PW20007 - Aerial Drawing

Appendix “B” to Report PW20007 - Location Plan