



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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	February 21, 2020
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of Lang Street, Hamilton (PW20009) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<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 Roxborough Park Inc., to permanently close and purchase Lang Street, Hamilton ("Subject Lands"), as shown on Appendix "A" and Appendix "B", attached to Report PW20009, 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 road allowance to Roxborough Park Inc., as described in Report PW20009, 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 Roxborough Park Inc. 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, if necessary, 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**

Roxborough Park Inc. has made an application to permanently close and purchase Lang Street as a product of approved draft plan of subdivision 25T-201801. The applicant proposes this closure in order to facilitate land assembly required to support this redevelopment approved through report PED18158. As there were no objections from internal staff or public utilities, and the applicant represents all abutting land owners, staff are in support the application.

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

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

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

## **HISTORICAL BACKGROUND**

The Subject Lands were created and dedicated to the City of Hamilton as public highway by Registered Plan 1168 on November 5, 1959. On September 12, 2019 staff received an application from Roxborough Park Inc. to close and purchase the Subject Lands in order to facilitate the redevelopment of a new draft plan of subdivision 25T-204801 which received approval along with an application for Zoning Amendment (By-Law 18-203) and Urban Hamilton Official Plan Amendment (By-Law 18-202) all approval through report PED18158 in 2018. On September 12, 2019 staff received an application from Roxborough Park Inc. to close and purchase the Subject Lands in order to support the redevelopment. There were no objections received from any City department, division, or public utilities. As the applicant represents all abutting land owners there was no external circulation required. As such, staff are in support of the closure and sale of the Subject Lands to Roxborough Park Inc.

## **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.

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

As the applicant represents all land owners abutting the Subject Lands there is no external circulation required.

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

As there were no objections received from any City department, division, or public utilities and the applicant represents all abutting land owners, staff are in support of the closure and sale of the Subject Lands to Roxborough Park Inc.

## **ALTERNATIVES FOR CONSIDERATION**

The City could deny this application and the lands would remain public highway, however, the redevelopment plans already approved through PED18158 would not be able to move forward.

## **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 PW20009 - Aerial Drawing

Appendix “B” to Report PW20009 - Location Plan