



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Mayor and Members Committee of the Whole
<b>COMMITTEE DATE:</b>	April 29, 2020
<b>SUBJECT/REPORT NO:</b>	To Incorporate City Lands into Upper Sherman Avenue by By-Law (PED20083) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Sally Yong-Lee 905 546-2424 x1428
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the following City Lands designated as Part 2 on Plan 62R-20462, Parts 1 and 2 on Plan 62R-20143, and Part 2 on Plan 62R-20463, save and except Parts 1 and 2 on Plan 62R-20487, be established as a public highway to form part of Upper Sherman Avenue;
- (b) That the By-Law to incorporate the City lands to form part of Upper Sherman Avenue be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-Law.

**EXECUTIVE SUMMARY**

The Owner of 630 and 668 Rymal Road East had made an application through the Committee of Adjustment via Consent Applications HM/B-15:111 and HM/B-15:112, to sever the subject property to delineate the parcel for the Upper Sherman Avenue right of way. As a condition of these Consent Applications, the owner was required to transfer lands to the City for the Upper Sherman road allowance.

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Furthermore, as a condition of Consent Application HM/B-15:112, the owner was required to enter into an External Works Agreement with the City to provide for the construction of the Upper Sherman Avenue extension.

**Alternatives for Consideration – See Page 3**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-Law.

**HISTORICAL BACKGROUND**

The Owner of 630 and 668 Rymal Road East had made an application through the Committee of Adjustment via Consent Applications HM/B-15:111 and HM/B-15:112, to sever the subject property to delineate the parcel for the Upper Sherman Avenue right of way. As a condition of these Consent Applications, the owner was required to transfer lands to the City for the Upper Sherman road allowance.

Furthermore, as a condition of Consent Application HM/B-15:112, the Owner was required to enter into an External Works Agreement with the City to provide for the construction of the Upper Sherman Avenue extension.

The Upper Sherman Avenue extension from Rymal Road East southerly to the Hydro Corridor is in accordance with the approved City of Hamilton Chappel East and Broughton West neighbourhood plans.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The recommendations do not bind the Corporation to any policy matter.

**RELEVANT CONSULTATION**

- Geomatics and Corridor Management of the Public Works Department
- Legal Services Division of the Corporate Services Department

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Current Provincial legislation requires a Municipal By-Law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

## **ALTERNATIVES FOR CONSIDERATION**

Not incorporating the lands into a public highway to form part of Upper Sherman Avenue would bar legal access to abutting lands.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **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” – Key Location Map
- Appendix “B” – By-Law No. XX – To incorporate City lands designated as Part 2 on Plan 62R-20462, Parts 1 and 2 on Plan 62R-20143, and Part 2 on Plan 62R-20463, save and except Parts 1 and 2 on Plan 62R-20487 as Part of Upper Sherman Avenue.