




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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	September 21, 2020
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<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 owner of 1181 Governors Road, Dundas, to permanently close and purchase a portion of road allowance abutting 1181 Governors Road, Dundas ("Subject Lands"), as shown on Appendix "A", to Report PW20013, 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 Subject Lands to the owners of 1181 Governors Road, Dundas, as described in Report PW20013, 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 1181 Governors Road, 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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- (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 City Solicitor be authorized to amend and waive such terms as she considers reasonable to give effect to this authorization and direction;
- (f) 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;
- (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 owner of 1181 Governors Road, Dundas, has made an application to permanently close and purchase a portion of the road allowance abutting 1181 Governors Road, Dundas. The applicant proposes this closure in order to clean up title issues related to Part 8 on Plan 62R-1637, being Part A on Appendix "C" to Report PW20013, and Part 1 on Plan 62R-16400, being Part B on Appendix "C" to Report PW20013, which separate 2 parcels of land being owned by the owner of 1181 Governors Road, Dundas. As there were no objections from internal staff or public utilities, and no objections from any abutting land owner, 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 \$4,634.00. The Subject Lands will be sold to the owners of 1181 Governors Road, 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

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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 1181 Governors Road, Dundas, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

## **HISTORICAL BACKGROUND**

The Subject Lands are part of the Original Road Allowance between the Geographic Townships of West Flamborough and Ancaster. On July 31, 2019 staff received an application from the owner of 1181 Governors Road, Dundas formally requesting the closure and sale of the Subject Lands for the purpose of cleaning up existing title issues. With regards to Part 8 on Plan 62R-1637, being Part A on Appendix "C" attached to report PW20013, the owner of 1181 Governors Road, Dundas is on title for this portion of land, however, there is no land registry record of a transfer from the Town of Dundas to any predecessors on title. With regards to Part 1 on Plan 62R-16400, being Part B on Appendix "C" attached to report PW20013, the City of Hamilton is on title to these lands currently occupied by the owner of 1181 Governors Road, Dundas. Adjoining land owners to the east and to the west of the Subject Lands obtained Transfers for their respective portions of the unopened road allowance from the Town of Dundas, being registered instruments CD475029 and LT473546. There were no objections received from any City Department, Division, or Public Utilities, and no objections from any abutting land owner. As such, staff are supportive of the closure and sale of the Subject Lands to the owner of 1181 Governors Road, 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:

- 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

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- Bell, Horizon Utilities/Alectra Utilities, Hydro One, and Union Gas

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

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, attached to Report PW20013 for comment. In this instance, there were 2 notices mailed, and the results are as follows:

In favour:0

Opposed: 0

No comment: 0

There were no responses received from abutting property owners.

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

As there were no objections received from City departments, divisions, or public utilities, and no objections received from any abutting land owners, staff are supportive of the closure and sale of the Subject Lands to the owners of 1181 Governors Road, Dundas.

### **ALTERNATIVES FOR CONSIDERATION**

This application could be denied and the lands would remain public highway.

### **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 PW20013 - Aerial Drawing

Appendix “B” to Report PW20013 - Location Plan

Appendix “C” to Report PW20013 - Reference Plan Sketch