



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	October 5, 2020
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton (PW20062) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Gary Kirchknopf (905) 546-2424 Ext. 7217 Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Gord McGuire Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION(S)

That the application of the Hamilton Port Authority through a wholly-owned subsidiary Great Lakes Port Management, to permanently close and purchase a portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton (“Subject Lands”), as shown on Appendix "A", attached to Report PW20062, 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, 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 Subject Lands to the Hamilton Port Authority (c/o wholly-owned subsidiary Great Lakes Port Management), as described in Report PW20062, 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 Great Lakes Port Management, a wholly-owned subsidiary of the Hamilton Port

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.

SUBJECT: Proposed Permanent Closure and Sale of a Portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton (PW20062) (Ward 3) - Page 2 of 6

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;

- (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 and conditions to Agreement of Purchase and Sale or Offer to Purchase as they consider 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;
- (h) That the applicant dedicates lands to the City of Hamilton for the purpose of creating Public Highway as shown on Appendix "B", attached to Report PW20062 and construct the proposed road with a minimum 15m pavement width and cul-de-sac with additional paved curbing, to City Standards, creating minimum of 9 parking spaces located along the south side of the east-west dedication, dedicated to the owner of 171 Niagara Street for their exclusive use, and minimum of 4 public parking spaces north of the proposed cul-de-sac within the remnants of the Niagara Street road allowance, as shown on Appendix "C", attached to Report PW200062, as approved by the Director, Engineering Services Division;
- (i) That the applicant be fully responsible for all costs associated with the removal and relocation of any existing utility infrastructure, specifically the hydro pole located south of the main entrance of the business operating at 171 Niagara Street, if required to meet the business needs of the owner of 171 Niagara Street, Hamilton to the satisfaction of the Ward Councillor;
- (j) That the applicant be fully responsible for all costs associated with the widening of any curbing required to meet the business needs at 171 Niagara Street, Hamilton, if required, to the satisfaction of the Ward Councillor;

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.

SUBJECT: Proposed Permanent Closure and Sale of a Portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton (PW20062) (Ward 3) - Page 3 of 6

- (k) That the applicant remove and return all existing City of Hamilton owned Street Lighting infrastructure to the City of Hamilton to the satisfaction of the Manager, Transportation Operations;
- (l) That the applicant enter into an encroachment agreement with the City of Hamilton for any private assets that encroach onto the public highway dedications shown on Appendix "B" attached to Report PW20062, to the satisfaction of the Manager, Geomatics and Corridor Management Section.

EXECUTIVE SUMMARY

The Hamilton Port Authority through a wholly-owned subsidiary Great Lakes Port Management has made an application to permanently close and purchase a portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton to increase the operational benefits of their leaseholders. The applicant proposes this closure in order to facilitate land assembly. The applicant will be dedicating lands to the City to create a new road connection between Niagara Street and Wentworth Street North, Hamilton as well as dedicating lands to create a cul-de-sac to act as a turnaround south of the limit of the proposed road closure at Ship Street, Hamilton, as shown on Appendix "B" attached to Report PW20062. There were no objections from any City Departments, Divisions, or Public Utilities. There were 4 objections received from circulated land owners and 1 in favour response received. The concerns raised regarding truck manoeuvrability, access to boulevard parking, and street lighting have been addressed through the recommendations within Report PW20062. As such, staff are supportive of the closure and sale of the Subject Lands to Great Lakes Port Management a wholly-owned subsidiary of the Hamilton Port Authority.

Alternatives for Consideration – See Page 5

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 Port Authority through a wholly-owned subsidiary Great Lakes Port Management, 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

SUBJECT: Proposed Permanent Closure and Sale of a Portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton (PW20062) (Ward 3) - Page 4 of 6

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 Port Authority (c/o wholly-owned subsidiary Great Lakes Port Management), pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands being portions of Ship Street, Niagara Street, and Hillyard Street were all created through Registered Plan 32 in 1856. On April 25, 2019 the Hamilton Port Authority through its wholly-owned subsidiary Great Lakes Port Management submitted an application for permanent closure and sale of portions of Ship Street, Hillyard Street, and Niagara Street, Hamilton, for the purpose of land assembly required to increase operational benefits to its leaseholders. The proposal included a proposed land dedication to the City of Hamilton for a new road to be constructed at the applicant's expense to connect Niagara Street to Wentworth Street North, Hamilton.

The application was circulated with no objections received from any City Department, Division, or Public Utilities. Upon external circulation, there were 4 objections received from abutting land owners with concerns related to their ability to continue their business operations, which included concerns related to truck manoeuvrability, reduced parking, and street lighting. Corridor Management staff worked with the applicant, residents, and transportation planning staff to come up with a solution that would alleviate the resident concerns raised by creating an additional cul-de-sac dedication to increase truck manoeuvrability. The appropriate recommendations to address these concerns have been included within the recommendations within this report PW20062.

As there were no objections received from any City Department, Division, or Public Utility, and the concerns raised by residents have been addressed through the recommendations within this Report PW20062, staff are supportive of the closure and sale of the Subject Lands to Great Lakes Port Management, a wholly-owned subsidiary of the Hamilton Port 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:

SUBJECT: Proposed Permanent Closure and Sale of a Portion of Ship Street, Niagara Street, and Hillyard Street, Hamilton (PW20062) (Ward 3) - Page 5 of 6

- 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, Alectra Utilities, Hydro One, and Union Gas (Enbridge)

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

Alectra and Hamilton Water have 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 PW20062 for comment. In this instance, there were 24 notices mailed, and the results are as follows:

In favour: 1

Opposed: 4

No comment: 0

The opposed responses received expressed concerns related to truck manoeuvrability, boulevard parking, and street lighting. Further discussions between staff, residents, and the applicant resulted in the addition of a few recommendations which have been added to the Report PW20062. As concerns have been addressed through the additional recommendations, staff are supportive of the closure and sale of the Subject Lands to the Hamilton Port Authority through its wholly-owned subsidiary Great Lakes Port Management.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As there were no objections received from any internal City Department, Division, or Public Utilities, and the objections received from abutting land owners have been addressed through the recommendations within this Report PW20062, staff are supportive of the closure and sale of the Subject Lands to Great Lakes Port Management, a wholly-owned subsidiary of the Hamilton Port Authority.

ALTERNATIVES FOR CONSIDERATION

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

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.

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 PW20062 - Aerial Drawing

Appendix “B” to Report PW20062 - Location Plan

Appendix “C” to Report PW20062 - Parking Plan

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.