



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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	August 11, 2021
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Pinot Crescent, Stoney Creek (PW21043) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Cetina Farruggia (905) 546-2424 Ext. 5803
<b>SUBMITTED BY:</b>	Gord McGuire Director, Engineering Services Public Works Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the application of the owner of Block 9, plan 62M-1241 to permanently close and purchase a portion of road allowance abutting Block 9, (“Subject Lands”), as shown on Appendix “A” and Appendix “B”, attached to Report PW21043, be approved, subject to the following conditions:
- (i) 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;
  - (ii) 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 Block 9, Plan 62M-1241, as described in Report PW21043, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owner of Block 9, Plan 62M-1241 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;

**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Pinot Crescent, Stoney Creek (PW21043) (Ward 10) - Page 2 of 4**

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- (iv) 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;
- (v) That the City Solicitor be authorized to amend and waive such terms as she considers reasonable to give effect to this authorization and direction;
- (vi) 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;
- (vii) 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 Block 9, Plan 62M-1241, has made an application to permanently close and purchase a portion of Pinot Crescent. The applicant proposes this closure to reacquire the Subject Lands as they were deemed to no longer be needed as part of the Pinot Crescent road allowance and facilitate land assembly for future development. As there were no objections from internal staff or public utilities, and the applicant is the only abutting land owner, staff are supportive of the closure and sale to the owner of Block 9, Plan 62M-1241.

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The applicant has paid the Council approved user fee of \$4,868.50. The Subject Lands will be sold to the owners of Block 9, Plan 62M-1241, at fair market value, 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 the owners of Block 9, Plan 62M-1241, pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

## **HISTORICAL BACKGROUND**

The Subject Lands form a portion of Pinot Crescent which was dedicated to the City through Plan of Subdivision 62M-1241 in 2017. On April 26, 2021, the applicant made an application to close and reacquire a portion of Pinot Crescent as it was later deemed to no longer be needed as part of the Pinot Crescent road allowance. There were no objections received by any City Department, Division, or Public Utility. The applicant is the only abutting land owner. As such, staff are supportive of the closure and sale of the Subject Lands to the owner of Block 9, Plan 62M-1241.

## **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, Transportation Operations and Maintenance, and Environmental Services
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor
- Bell, Alectra Utilities, Hydro One, and Enbridge Gas

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

As the applicant is the only abutting land owner there was no External Circulation required for this application.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As there were no objections received by any City Department, Division, or Public Utility and the applicant is the only abutting land owner, staff are supportive of the closure and sale of the Subject Lands to the owner of Block 9, Plan 62M-1241.

## **ALTERNATIVES FOR CONSIDERATION**

N/A

## **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 PW21043 - Aerial Drawing

Appendix “B” to Report PW21043 - Location Plan