



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 10, 2021
SUBJECT/REPORT NO:	Proposed Permanent Closure of Portion of Trimble Road, Glanbrook (PW21051) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Gord McGuire Director, Engineering Services Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the application of the City of Hamilton's Transportation, Operations, and Maintenance division, to permanently close a portion of Trimble Road ("Subject Lands"), as shown on Appendix "A" attached to Report PW21051, 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 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 at a future date if any interested parties come forward, as described in Report PW21051, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) 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;

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- (iv) That the City Solicitor be authorized to amend and waive such terms as she considers reasonable to give effect to this authorization and direction;
- (v) 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; and,
- (vi) 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

On December 19, 2019 an application was received from the Transportation, Operations, Maintenance Division of the City of Hamilton to legally close a portion of Trimble Road as shown on Appendix "A" attached to report PW21051 due to ongoing maintenance and safety issues. As there were no objections received from any City Departments, Divisions, or Public Utilities, and no objections received from abutting land owners, staff are supportive of the closure of the Subject Lands.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The application fee was waived for this application.

Staffing: An agreement to purchase the Subject Lands will be negotiated by the Real Estate Section of the Planning and Economic Development Department at a future date if any interested parties come forward.

Legal: The City Solicitor will prepare all necessary by-laws to permanently close 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 pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands form part of road allowance between Lots 24 and 25, Concession 8, in the Regional Geographic Township of Binbrook. The Subject Lands were previously maintained by the City and physically closed off for public use in 2012 due to safety concerns. Later in 2014, a 900 - 1200 mm CSP culver was installed to facilitate construction of the road. The culvert capacity appeared to have been insufficient to convey the creek which caused failure of the embankment. In 2019, after consultation with the City's asset management team, it was decided that constructing a bridge was not supported. As such, on December 19, 2019 an application was received from the Transportation, Operations, Maintenance Division of the City of Hamilton to legally close a portion of Trimble Road as shown on Appendix "A" attached to report PW21051. As there were no objections received from any City Departments, Divisions, or Public Utilities, and no objections received from abutting land owners, staff are supportive of the closure of the Subject Lands.

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.

Hydro One has advised that they will require easement protection.

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Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, attached to Report PW21051 for comment. In this instance, there were three (3) notices mailed, and the results are as follows:

In favour: 1

Opposed: 0

No comment: 0

As there were no objections, staff are supportive of the closure of the Subject Lands.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City Departments, Divisions, or Public Utilities, and no objections received from abutting land owners, staff are supportive of the closure of the Subject Lands.

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 PW21051 - Aerial Drawing

Appendix “B” to Report PW21051 - Location Plan