




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	October 4, 2021
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 241 Dundas Street East, Waterdown (PW21057) (Ward 15)
WARD(S) AFFECTED:	Ward 15
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 owner of 241 Dundas Street East, Waterdown, to permanently close and purchase a portion of road allowance abutting 241 Dundas Street East, Waterdown ("Subject Lands"), as shown on Appendix "A" and Appendix "B", attached to Report PW21057, 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 241 Dundas Street East, Waterdown, as described in Report PW21057, 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 241 Dundas Street East, Waterdown pursuant to an Agreement of

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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.

Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;

- (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 they consider 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 241 Dundas Street East, Waterdown, has made an application to permanently close and purchase a portion of the road allowance abutting 241 Dundas Street East, Waterdown. The applicant proposes this closure in order to facilitate a land swap to create an alternate daylight triangle to support future development. As there were no objections from internal staff or public utilities, and the applicant is the only abutting land owner, staff support the application.

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 241 Dundas Street East, Waterdown 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.

**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance
Abutting 241 Dundas Street East, Waterdown
(PW21057) (Ward 15) - Page 3 of 5**

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 241 Dundas Street East, Waterdown, 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 road widening that was acquired by the Ministry of Transportation and Operations as shown on Plan P-1566-18R in 1961 and was transferred to the City of Hamilton (Region of Hamilton-Wentworth at that time) in 1999 by an Order in Council OC 196/99 registered as Instrument LT541399.

On June 11, 2021 staff received an application from the owner of 241 Dundas Street East, Waterdown, to close and purchase the Subject Lands which are to be included in a land swap for an equal portion of lands at the northwest corner of the Perelli Street, Waterdown and Dundas Street East, Waterdown intersection, as shown on Appendix "C" attached to Report PW21057.

The Subject Lands is a parcel of land that was previously dedicated to the City of Hamilton when the intention was that Culotta Drive, Waterdown would extend to Dundas Street East, Waterdown and intended to be utilized as a daylight triangle for that road extension. However, a daylight triangle in this location is longer required as there is no longer an intention to extend Culotta Drive, Waterdown to Dundas Street East, Waterdown.

The applicant is requesting to swap an alternate portion of lands to create a new daylight triangle at the northwest corner of the intersection of Perelli Street, Waterdown and Dundas Street East, Waterdown, that would be required to support the future development at 241 Dundas Street East, Waterdown.

As there were no objections received from any City departments, divisions, or public utilities, 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 241 Dundas Street East, Waterdown.

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 need for an external circulation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City departments, divisions, or public utilities, 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 241 Dundas Street East, Waterdown.

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 PW21057 - Aerial Drawing

Appendix "B" to Report PW21057 - Location Plan

Appendix "C" to Report PW21057 - Land Swap Sketch