




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 5, 2021
SUBJECT/REPORT NO:	To Incorporate City Lands into Leavitt Boulevard by By-law (PED21033) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Binu Korah (905) 546-2424 Ext. 1322
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the following City Lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right-of-Way;
- (b) That the following City Lands designated as Parts 15, 16 and 19 on Plan 62R-21643 be established as a public highway to form part of the existing Dundas Street East Right-of-Way;
- (c) That the By-law to incorporate the City lands to form part of Leavitt Boulevard and Dundas Street East be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (d) That the By-law will be held in abeyance until the Leavitt Boulevard road construction is completed to the satisfaction of the Senior Director Growth Management;
- (e) That the General Manager of Public Works be authorized and directed to register the By-law;

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- (f) That the Senior Director of Growth Management be delegated the Authority to make the necessary arrangements including land transfer(s) and establishment of easement(s) as required;
- (g) That Parts 33 and 42 on Plan 62R-21643 be transferred to the developer for nominal consideration, subject to reserving an easement in favour of the City of Hamilton for the purpose of protecting existing storm sewer and overland flow drainage infrastructure within this parcel.

EXECUTIVE SUMMARY

Ministry of Transportation (MTO) is planning to close the Mountain Brow Road access from Highway 6, pursuant to the MTO's Transportation Environmental Study Report (TESR) as part of the Highway 5 & 6 interchange construction. At that time, MTO will need to extend Leavitt Boulevard from its current terminus to Mountain Brow Road. To facilitate these works, Part 32, Plan 62R-21643, recently dedicated to the City, is required for a temporary cul-de-sac. Upon completion of these road works to the satisfaction of the Manager of Development Approvals, this parcel will be dedicated as public highway, to form part of Leavitt Boulevard. Once MTO extends the Leavitt Boulevard to Mountain Brow Road in accordance with the Transportation Environmental Study Report (TESR), Part 32 will no longer required and therefore should be returned to Hamilton Sensor Nominee Limited, at nominal consideration.

Parts 33 and 42 on Plan 62R-21643, also dedicated to the City but no longer required for road construction, will be transferred to the developer at nominal consideration, subject to reserving an easement in favour of the City for the purpose of protecting existing storm sewer and overland flow drainage infrastructure within Parts 33 and 42 on Plan 62R-21643.

The developer is currently undertaking the construction of the Leavitt Boulevard in accordance with the approved engineering drawing. As such, the By-law will be held in abeyance until the road construction is completed to the satisfaction of the Senior Director Growth Management. Upon passing of the By-law to establish Leavitt Boulevard as a public highway the road will be opened to traffic.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

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Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

The previous owner of the lands known municipally as 36-42 Dundas Street East, Flamborough, made an application through the Committee of Adjustment via Consent Application No: FL/B-18:98 and Submission No B-98/18, to sever the subject property. As part of that application, the owner entered into a Consent Agreement with the City in which it dedicated and committed to acquire or dedicate additional lands required for a future municipal highway running from Dundas Street East to Mountain Brow Road in accordance with the TESR.

At the time of the severance application, alignment of the proposed road through the severed portion of the property (now 50 Leavitt Boulevard) had not been finalized, and the applicant requested to complete an addendum to the TESR to identify an alternative alignment. However, during the site plan process this pursuit was abandoned, and the final alignment was determined in accordance with the TESR, the Site Plan Application for development of 50 Leavitt Boulevard, and completion of the MTO's Design Construction Report (DCR). The developer also entered into an External Works Agreement with the City and posted financial security to ensure the construction of Leavitt Boulevard.

Through the Consent Agreement, and the subsequent Site Plan Application, along with land previously dedicated for development of the Trinity Power Centre, all land requirements for the proposed Leavitt Boulevard Right-of-Way, have been dedicated to the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the Corporation to any policy matter.

RELEVANT CONSULTATION

- Geomatics and Corridor Management, Public Works Department
- Legal Services Division, Corporate Services Department
- Real Estate Section, Economic Development Division

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Leavitt Boulevard would bar legal access to the benefit of all the adjoining parcels.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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 PED21033 – Key Location Map
- Appendix “B” to Report PED21033 – By-law No. XX – To incorporate City lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right-of-Way.

BK:sf