



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	November 1, 2021
SUBJECT/REPORT NO:	Proposed Permanent Closure of a Portion of Kelly Street, Hamilton (PW21060) (Ward 2)
WARD(S) AFFECTED:	Ward 2
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 Landscape Architectural Services Section, to permanently close a portion of Kelly Street, Hamilton ("Subject Lands"), as shown in Appendix "A" attached to Report PW21060, 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) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing the highway in the proper land registry office;
 - (iii) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
 - (iv) That the Public Works Department publish any required notice of the City's intention to pass the by-laws pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
 - (v) 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

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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.

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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 City of Hamilton's (City) Landscape Architectural Services Section has made an application to permanently close a portion of Kelly Street, Hamilton to be merged with Beasley Park in accordance with the Beasley Park Master Plan (2015). The direction to rejuvenate Beasley Park is an initiative of the Beasley Neighbourhood Plan (2013). As there were no objections from internal staff or public utilities, and no objections from abutting land owners, staff are supportive of the application to close and convert the Subject Lands into parkland.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$4,868.50.

Staffing: N/A

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.

HISTORICAL BACKGROUND

The Subject Lands were partially created by Plan of Subdivision 255 in 1854 and partially created by By-Law 92-099 registered as VM117729, being part 9 on plan 62R-12040. On March 22, 2021 staff received an application from the City's Landscape Architectural Services Section to permanently close the Subject Lands in order to convert the Subject Lands into parkland in accordance with the Beasley Park Master Plan (2015). The Subject Lands will create a pedestrian walkway into Beasley Park. As there were no objections from any City department, division, or public utility, and no objections from any abutting land owner, staff are supportive of the closure and conversion of the Subject Lands into parkland.

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, Corporate Real Estate Section, 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.

Hamilton Water has advised that they will require easement protection.

Alectra Utilities has advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown in Appendix “B” attached to Report PW21060 for comment. In this instance, there were 6 notices mailed, and the results are as follows:

In favour: 2

Opposed: 0

No comment: 0

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As the closure of the Subject Lands supports the Beasley Park Master Plan (2015) and there were no objections from any City department, division, or public utilities, and no objections 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 PW21060 - Aerial Drawing

Appendix "B" to Report PW21060 - Location Plan