




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	May 2, 2022
SUBJECT/REPORT NO:	Proposed Permanent Closure of Portion of Crestview Avenue, Ancaster (PW22029) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Susan Jacob Acting Director, Engineering Services Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the application of the City of Hamilton’s Corporate Real Estate Office, to permanently close and sell a portion of Crestview Avenue, Ancaster (Subject Lands), as shown on Appendix "A" and "B" attached to Report PW22029, be approved, subject to the following conditions:
 - (i) The City Solicitor be authorized and directed to prepare all necessary By-laws to permanently close and sell the highways, for enactment by Council;
 - (ii) The Corporate Real Estate office 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, as they deem fit, 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 pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department;
- (iv) The City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highways in the proper land registry office;
- (v) The City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (vi) 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) 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 City of Hamilton's (City) Corporate Real Estate office has made an application to permanently close and sell a portion of Crestview Avenue, Ancaster. The intention is to sell this portion of the Subject Lands to the Hamilton Conservation Authority. There were no objections from any City Department, Division, or Public Utilities, and no direct impact to abutting land owners. As such staff are supportive of the Closure and Sale of the Subject Lands by the City's Corporate Real Estate Office in accordance with the City's Sale of Land Policy By-law 14-204.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$4868.50 for this application. The Subject Lands will be sold at fair market value, as determined by the Corporate Real Estate Office of the Planning and Economic Development Department, in accordance with the City's Sale of Land Policy By-law 14-204.

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Staffing: All agreements to purchase the Subject Lands will be negotiated by the Corporate Real Estate Office 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, pursuant to an agreement negotiated by the Real Estate Office of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The portion of the Subject Lands known as Crestview Avenue, Ancaster was created by Registered Plan 1076 in 1956. The lands are currently vacant and used by the public to access the adjacent trail lands, which are in the process of being sold to the Hamilton Conservation Authority. On July 8, 2021, an application was received by the City's Corporate Real Estate office to close and sell the portion of the Subject Lands known as Crestview Avenue, Ancaster, as shown on Appendix "A" attached to report PW22029 in order to include this portion of land in the sale to the Hamilton Conservation Authority.

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 Office, 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.

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Hydro One has advised that they will require easement protection.

With regards to the portion of the Subject Lands known as Crestview Avenue, Ancaster, as shown on Appendix “A” & “B” attached to Report PW22029, no notices were sent as there is no direct impact to abutting land owners.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City Department, Division, or Public Utility, and there is no direct impact to abutting land owners, staff are supportive of the application by the City’s Corporate Real Estate Office to close and sell the Subject Lands in accordance with the City’s Sale of Land Policy 14-204.

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 PW22029 - Aerial Drawing

Appendix “B” to Report PW22029 - Location Plan