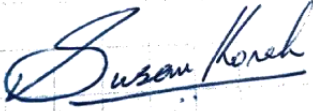




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	May 2, 2022
SUBJECT/REPORT NO:	Proposed Permanent Closure of Portion of Denison Avenue, Stoney Creek (PW22028) (Ward 10)
WARD(S) AFFECTED:	Ward 10
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 Denison Avenue, Stoney Creek ("Subject Lands"), as shown on Appendix "A" and "B" attached to Report PW22028, 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

OUR Vision: To be the best place to raise a child and age successfully.

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.

SUBJECT: Proposed Permanent Closure and Sale of a Portion of Denison Avenue, Stoney Creek (PW22028) (Ward 10) - Page 2 of 5

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 Denison Avenue, Stoney Creek. Portions of the Subject Lands known as Denison Avenue, Stoney Creek have received a number of public inquiries to purchase by the City's Corporate Real Estate Office. As there are multiple interested parties, the City's Corporate Real Estate Office has opted to submit their own application in order to close and sell the portions of the Subject Lands known as Denison Avenue, Stoney Creek on an open market. There were no objections from any City Department, Division, or Public Utilities, and objections were received from abutting land owners. However, an open market sale will allow for any and all parties interested to fairly bid on the Subject Lands. Abutting land owners were provided with contact information for the City's Corporate Real Estate Office to be made aware of the future sale of the Subject Lands known as Denison Avenue, Hamilton. 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 Sale of Land Policy By-law 14-204.

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 Denison Avenue, Stoney Creek, was created by Registered Plan 1023 in 1955. The lands are currently vacant. On February 26, 2021 staff received an application to close and purchase the Subject Lands from an external applicant. During the circulation process, and due to multiple inquiries being received by the Corporate Real Estate Office on the parcel, staff received an objection from the City's Corporate Real Estate Office in favour of an open market sale. Do to this internal objection, the external application was denied. On May 26, 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 Denison Avenue, Stoney Creek, as shown on Appendix "A" attached to Report PW22028 in order to sell the Subject Lands on an open market.

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:

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- 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.

With regards to the portion of the Subject Lands known as Denison Avenue, Stoney Creek, as shown on Appendix "A" & "B" attached to Report PW22028, there were 3 notices mailed, and the results are as follows:

In favour: 0

Opposed: 2

No comment: 0

Both of the opposed stated interest in purchasing the lands and were provided appropriate contact information for the City's Corporate Real Estate Office to ensure they will be notified when this portion of the Subject Lands known as Denison Avenue, Stoney Creek, is listed for sale. Comments were also received from one of the opposed regarding concerns related to Greenbelt and Niagara Escarpment Commission regulations. If the lands are sold, any future purchaser would need to meet any/all zoning requirements.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City Department, Division, or Public Utility, and the objections received from abutting land owners have been addressed (they can bid on the sale), staff are supportive of the applications by the City of Hamilton's Corporate Real Estate Office to close and sell the Subject Lands in accordance with the City of Hamilton'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" attached to Report PW22028 - Aerial Drawing

Appendix "B" attached to Report PW22028 - Location Plan