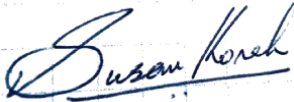




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	July 6, 2022
SUBJECT/REPORT NO:	Proposed Permanent Closure of a Portion of 390 Melvin Avenue, Hamilton (PW22055) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Susan Jacob Acting Director, Engineering Services Public Works Department
SIGNATURE:	

RECOMMENDATION

That the application of the City of Hamilton's Corporate Real Estate Office, to permanently close a portion of 390 Melvin Avenue, Hamilton ("Subject Lands"), as shown on Appendix "A" & "B", attached to Report PW22055, 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) 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 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) 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;

- (iv) 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;
- (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 City of Hamilton's Corporate Real Estate Office has submitted an application to close a portion of 390 Melvin Avenue, Hamilton for the purpose of land assembly to support future site development. There were no objections received from any City Department, Division, or Public Utilities, and there is no direct impact to abutting landowners. As such, staff are supportive of the closure of the Subject Lands.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$5501.41. The Subject Lands will be sold as determined by the Corporate Real Estate Office 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 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 Corporate Real Estate Office of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands form part of Woodward Avenue created by plan of subdivision 865 in 1952. A portion of the lands are currently being used to support the McQueston Urban Farm. On January 24, 2022, staff received an application from the City's Corporate Real Estate Office to close the Subject Lands in order to support land assembly required for future site development. The application was circulated for comments and received no objections from any City department, division, or Public Utility. As there is no direct impact to abutting landowners, staff are supportive of the closure of the Subject Lands.

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; and
- Bell, Alectra Utilities, Hydro One, and Enbridge Gas

There were no objections received from any public utilities, City departments and divisions.

Hamilton Water, Alectra Utilities and Bell have advised that they will require easement protection.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections from any City Department, Division, or Public Utility and there is no direct impact to abutting landowners, 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 PW22055 – Arial Drawing

Appendix “B” to Report PW22055 – Location Plan