




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 9, 2022
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3) (PW22074)
WARD(S) AFFECTED:	Ward 3
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 owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton ("Subject Lands"), attached to Report PW22074 as Appendix "A", be approved, subject to the following conditions:

- (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
 - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;

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- (ii) 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;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (2) 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) 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 to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, as described in Report PW22074, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (v) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton 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;
- (vi) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
- (vii) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;

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EXECUTIVE SUMMARY

The owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton have applied to permanently close and purchase the respective portions of the public unassumed alleyway abutting their properties. There were no objections from any City Departments, Divisions, or Public Utilities, and no objections from any other abutting land owners. As such, staff are supportive of the closure and sale of the Subject Lands to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicants have paid the Council approved user fee of \$4,868.50. The Subject Lands will be sold to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, at fair market value, 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: Subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved, 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 to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, pursuant to an agreement negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands were created by Registered Plan 619 in 1917. On October 14, 2020 staff received an application from the owner of 154 Lottridge Street, Hamilton, to close

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and purchase a portion of the Subject Lands abutting the northern side of the property to clean up the parcel and help reduce vandalism at this location. When the external circulations went out, the owners of both 798 Barton Street East, Hamilton, and 800 Barton Street East, Hamilton inquired about purchasing their respective portions. On May 25, 2021 staff received an application from the owner of 798 Barton Street East, Hamilton for the purpose of land assembly and on July 7th, 2021 staff received an application from the owner of 800 Barton Street East, Hamilton for the purpose of protecting existing rear emergency exits that lead out into the alleyway. Staff received an in-favour response from the final abutting land owner who did not want to acquire their respective portion of the alleyway. All abutting landowners are in agreement regarding the proposed division of the Subject Lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The closure of the Subject Lands will be subject to any application required by the City. In addition, a by-law must be passed to permanently close the Subject Lands in accordance with the *Municipal Act, 2001*.

Alleyway Management Strategy - Classification System (Report PW17008(a)):
The Subject Lands are classified as Hierarchy Class "D": Alleyway is unassumed and could be used for any of the following:

- commercial parking;
- public/private waste collection;
- special consideration; and access to rear yards or overland flow routes

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, Real Estate, and Planning
- Public Works Department: Engineering Services, Hamilton Water, Transportation Operations & 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

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

Bell and Enbridge have advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, attached to Report PW22074 for comment. In this instance, there were 4 notices mailed, and the results are as follows:

In favour: 1

Opposed: 0

No comment: 0

Each abutting landowner has submitted their own application for their respective portion of the Subject Lands. One abutting landowner advised they did not want their respective portion and had no objection.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections from any City Department, Division, or Public Utility and no objections from any abutting landowners, staff are supportive of the closure and sale of the Subject Lands to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton.

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 PW22074 – Aerial Drawing

Appendix “B” to Report PW22074 – Location Plan