




**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Engineering Services Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	September 19, 2022
<b>SUBJECT/REPORT NO:</b>	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 McCrae Station Road, Flamborough (PW22077) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Cetina Farruggia (905) 546-2424 Ext. 5803
<b>SUBMITTED BY:</b>	Susan Jacob Acting Director, Engineering Services Public Works Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the application of the owner of 400 McCrae Station Road, Flamborough, to permanently close and purchase a portion of road allowance abutting 400 McCrae Station Road, Flamborough ("Subject Lands"), as shown on Appendix "A", attached to Report PW22077, 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 and sell 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 to proceed to sell the Subject Lands to the owners of 400 McCrae Station Road, Flamborough, as described in Report PW22077, 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 to 400 McCrae Station Road, Flamborough 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) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (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 owner of 400 McCrae Station Road, Flamborough has made an application to permanently close and purchase a portion of the road allowance abutting the northwest side of their property. The applicant proposes this closure in order to add additional land to their property and be able to maintain the area. As there were no objections from internal staff or public utilities, and only one objection from an abutting land owner that has been resolved, staff support the application to close and sell the Subject Lands to the owner of 400 McCrae Station Road, Flamborough.

## **Alternatives for Consideration – N/A**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The applicant has paid the Council approved user fee of \$4,868.50. The Subject Lands will be sold to the owners of 400 McCrae Station Road, Flamborough, at fair market value, as determined by the Corporate Real

**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance  
Abutting 400 McCrae Station Road, Flamborough  
(PW22077) (Ward 15) - Page 3 of 4**

---

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 to the owners of 400 McCrae Station Road, Flamborough, 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 the original unopened road allowance between the Geographic Townships of Puslinch and East Flamborough. The northern half of the road allowance was closed by the Township of Puslinch by By-Laws registered as MS64898 and MS64899. On August 30<sup>th</sup>, 2021, the owners of 400 McCrae Station Road, Flamborough submitted an application to close and purchase the Subject Lands to increase their land and maintain the parcel.

## **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, Chief Road Official, Hamilton Water, Transportation Operations & Maintenance, and Environmental Services
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor

**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance  
Abutting 400 McCrae Station Road, Flamborough  
(PW22077) (Ward 15) - Page 4 of 4**

---

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

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

Hydro One 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 on Appendix “B”, attached to Report PW22077 for comment. In this instance, there were 2 notices mailed, and the results are as follows:

In favour: 0

Opposed: 1

No comment: 0

The abutting landowner that was opposed also wanted to submit an application for a portion of the road allowance that abuts their property. This application was submitted and is in process.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As there were no objections from any City department, division, or public utility, and the objection from the abutting land owner has been resolved, staff are supportive of the closure and sale of the Subject Lands to the owner of 400 McCrae Station Road, Flamborough.

### **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 PW22077 – Aerial Drawing

Appendix “B” to Report PW22077 – Location Plan