




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 17, 2023
SUBJECT/REPORT NO:	To Extend and Open a Portion of Lands as Public Highway being Nashville Circle by By-Law (PED23025) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 3933
SUBMITTED BY:	Ashraf Hanna Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the lands identified as Block 111 on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle;
- (b) That the By-Law to incorporate the lands to form part of Nashville Circle be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the City Solicitor, or designate, be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

The subject lands are shown on the attached Location Map, attached as Appendix "A" to Report PED23025. Block 111 of Registered M-Plan 62M-965, attached as Appendix "B" to Report PED23025, is to continue easterly to form part of Nashville Circle, but has not been registered as public highway, as it was not required until the future development of lands to the east (File No. 25T-85033, known as "Vienna Orchards").

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However, with the registration of Phase 1 of “Vienna Orchards” to the east, a portion of Nashville Circle (Block 111 on Registered Plan 62M-965) has been constructed, and therefore requires a by-law to open this portion of roadway as public highway.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-Law.

HISTORICAL BACKGROUND

As shown on Registered M-Plan 62M-965, attached as Appendix “B” to Report PED23025, Nashville Circle (Block 111) is to continue easterly, but was not registered as public highway through the approval of the Plan, as it was not required until the future development of lands to the east (File No. 25T-85033, known as “Vienna Orchards”).

However, the “Vienna Orchards” development to the east has subsequently been registered in phases, with Phase 1 of “Vienna Orchards” being registered as Plan 62M-1225 in 2016. A portion of Nashville Circle, being Block 111 on Registered Plan 62M-965, has been constructed to allow access for properties within the aforementioned “Vienna Orchards, Phase 1” and, therefore, requires a by-law to open this portion of roadway as public highway.

Accordingly, for Block 111 on Registered Plan 62M-965, a By-law is required for the proposed extension of Nashville Circle as a public highway. The By-law is attached as Appendix “C” to Report PED23025.

Of note, the remaining portions of Nashville Circle will be constructed and conveyed as public highway upon registration of Phase 2 of “Vienna Orchards”, 25T-85033.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no related policy implications or legislated requirements.

RELEVANT CONSULTATION

- Geomatics and Corridor Management of the Public Works Department; and,
- Legal Services Division of the Corporate Services Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Provincial legislation requires a Municipal By-Law passed by Council to incorporate lands into the Municipal public highway system. This report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating Block 111 on Registered Plan 62M-965 into a public highway to form part of Nashville Circle would bar legal access for the existing residences and the proposed developments to the east from Nashville Circle.

Additionally, it is noted that this portion of Nashville Circle has been constructed and would pose a risk and liability by not opening it as public highway by By-law.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

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 PED23025 – Location Map

Appendix “B” to Report PED23025 – Registered Plan 62M-965 being “Nash Orchards Heights South – Phase 1”

Appendix “C” to Report PED23025 – By-Law No. 23-XXX – To Incorporate Lands being Block 111 on Registered Plan 62M-965 as a Public Highway to extend Nashville Circle