



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	October 2, 2023
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1241 Governors Road, Flamborough (PW23063) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Jackie Kennedy Director, Engineering Services Public Works Department
SIGNATURE:	

RECOMMENDATION

That the application of the owner of 1241 Governors Road, Flamborough, to permanently close and purchase a portion of road allowance abutting the south side of 1241 Governors Road, Flamborough ("Subject Lands"), as shown on Appendix "A" & "B", attached to Report PW23063, 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 1241 Governors Road, Flamborough, as described in Report PW23063, 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 1241 Governors Road, Flamborough pursuant to an Agreement

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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.

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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 1241 Governors Road, Flamborough has made an application to permanently close and purchase a portion of the road allowance abutting the south side of the property to facilitate land assembly required to legally connect their existing property that is split by the road allowance and clean up title to their existing property access. As there were no objections from any City department, division, or public utility and no objection received from the Hamilton Conservation Authority who is the only abutting landowner, staff are in support of the application to close and sell the Subject Lands to the owners of 1241 Governors Road, Flamborough.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$5,048.65. The Subject Lands will be sold to the owners of 1241 Governors Road, Flamborough as determined by the Corporate Real Estate Office of the

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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 1241 Governors 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 an original unopened road allowance between the geographic Township of West Flamborough and Town of Ancaster. On March 14, 2023, staff received an application from the owners of 1241 Governors Road, Flamborough to close and purchase the Subject Lands in order to legally connect their two properties and clean up title to their existing property access.

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, Real Estate, and Planning
- Public Works Department: Engineering Services, Hamilton Water, Transportation Division, and Environmental Services
- Hamilton Emergency Services
- Corporate Services Department: Financial Planning, Administration and Policy
- Mayor and Ward Councillor
- Bell, Alectra Utilities, Hydro One, and Enbridge Gas

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- External Authorities: Hamilton Conservation Authority, Niagara Escarpment Commission

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

Alectra has advised that they will require easement protection.

As the Hamilton Conservation Authority was the only abutting landowner and they were circulated through the internal circulation process, there was no external circulation for this application.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections from any City department, division, or public utilities and the applicant is the only abutting landowner, staff are supportive of the closure and sale of the Subject Lands to the owner of 1241 Governors Road, Flamborough.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW23063 – Aerial Drawing

Appendix “B” to Report PW23063 – Location Plan