




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 8, 2023
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of Crescent Road, Hamilton (PW23053) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Cetina Farruggia (905) 546-2424 Ext. 5803
SUBMITTED BY:	Jackie Kennedy Director, Engineering Services Public Works Department
SIGNATURE:	

RECOMMENDATION

That the applications of the owners of 921 Scenic Drive, Hamilton (Part A), 931 Scenic Drive, Hamilton (Part B), and 939 Scenic Drive, Hamilton (Part C), to permanently close and purchase a portion of Crescent Road, Hamilton abutting the rear of 921, 931, and 939 Scenic Drive, Hamilton ("Subject Lands"), as shown on Appendix "A" and "B", attached to Report PW23053, 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 921 Scenic Drive, Hamilton (Part A), 931 Scenic Drive, Hamilton (Part B), and 939 Scenic Drive, Hamilton (Part C), as shown on Appendix "A" and Appendix "B" in Report PW23053, 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 the owners of 921, 931, and 939 Scenic Drive, Hamilton (Parts A, B and C respectively) 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; and
- (viii) That the net proceeds of the sale of the Subject Lands be transferred to a new ProjectID for the purpose to fund trees, beautification, park improvements and other open space improvements within Ward 14 to the satisfaction of the Manager, Parks and Cemeteries in consultation with the Ward Councillor.

EXECUTIVE SUMMARY

The owners of 921, 931, and 939 Scenic Drive, Hamilton, have made an application to permanently close and purchase a portion of Crescent Road, Hamilton abutting the rear side of their properties. The applicant proposes this closure in order to extend their rear yards. As there were no objections from internal staff or public utilities, and the applicants are the only abutting landowners, staff support the application.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

- Financial:** The applicant has paid the Council approved user fee of \$4868.50. The Subject Lands will be sold to the owners of 921, 931, and 939 Scenic Drive, Hamilton, 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 to the owners of 921, 931, and 939 Scenic Drive, 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 699 in 1935. The southern portion of Crescent Road, Hamilton is currently used as a pedestrian trail. On June 23, 2022 the owners of 921 and 931 Scenic Drive, Hamilton submitted a joint application to close and purchase a portion of Crescent Road, Hamilton. The application received no objections from any City department, division, or public utility. On January 19, 2023 the owner of 939 Scenic Drive, Hamilton also expressed interest in purchasing a portion of the Subject Lands abutting the rear of their property. As there are no other abutting land owners, and no objections received, staff support the closure and sale of the Subject Lands to the owners of 921, 931 and 939 Scenic Drive, Hamilton as shown as Parts A, B, and C, on Appendix “A” and Appendix “B” attached to report PW23053.

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

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

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

As the applicants are the only abutting landowners there was no external circulation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections from any City department, division, or public utilities, and the applicants are the only abutting land owners, staff are in support of the closure and sale of the Subject Lands to the owners of 921, 931, and 939 Scenic Drive, Hamilton as shown on Appendix “A” & “B” attached to report PW23053.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW23053 – Aerial Drawing
Appendix “B” to Report PW23053 – Location Plan