




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	July 10, 2024
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Public Highway Abutting 191 Victoria Avenue South, Hamilton (PW24043) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Laura-Lynn Fernandes (905) 546-2424 Ext. 6164
SUBMITTED BY:	Jackie Kennedy Director, Engineering Services Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the application of the owner of 191 Victoria Avenue South, Hamilton, to permanently close and purchase a portion of the public highway abutting the south side of 191 Victoria Avenue South, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW24043, be approved, subject to the following conditions:
- (i) 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 191 Victoria Avenue South, Hamilton, as described in Report PW24043, 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 191 Victoria Avenue South, Hamilton pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate

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Real Estate Office of the Planning and Economic Development
Department;

- (iv) 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) The City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (vi) 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) 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 191 Victoria Avenue South, Hamilton, has made an application to permanently close and purchase a portion of the public highway abutting the south side of the property. The applicant proposes this closure in order to consolidate lands. As there were no objections from internal staff or public utilities, and there are no abutting land owners, staff support the application.

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 191 Victoria Avenue South, 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.

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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 191 Victoria Avenue South, Hamilton, pursuant to an agreement negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands that form the limits of this application were acquired by The Corporation of the City of Hamilton (City of Hamilton) in the 1970s for the Claremont Hill Mountain Access Road Project (CHARM) and forms part of Charlton Avenue as shown on Deposited Plan 62R-610 and was dedicated as Regional Road 197 by By-Law No. R77-78 registered in the Land Registry Office as Instrument CD63527 dated September 2, 1977.

The application received no objections from any City department, division, or public utility. As there are no other abutting land owners, and no objections received, staff support the closure and sale of the Subject Lands to the owner of 191 Victoria Avenue South, Hamilton, as shown on Appendix "A", attached to Report PW24043.

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

Hamilton Water has 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 land owners, staff are in support of the closure and sale of the Subject Lands to the owners of 191 Victoria Avenue South, Hamilton, as shown on Appendix "A", attached to Report PW24043.

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 PW24043 - Aerial Drawing

Appendix "B" to Report PW24043 - Location Plan