




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	September 3, 2024
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 39 Grosvenor Avenue South, Hamilton (PW24052) (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 / Engineering Services
SIGNATURE:	

RECOMMENDATION

- (a) That the application of the owner of 39 Grosvenor Avenue South, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the south side of 39 Grosvenor Avenue South, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW24052, be approved, subject to the following conditions:
 - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (1) The General Manager, Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
 - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
 - (ii) 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;

- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (iv) That 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 39 Grosvenor Avenue South, Hamilton, as described in Report PW24052, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (v) That the City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 39 Grosvenor Avenue South, Hamilton, 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;
- (vi) that the City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper Land Registry Office;
- (vii) 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 alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;

EXECUTIVE SUMMARY

The owner of 39 Grosvenor Avenue South, Hamilton, has applied to permanently close and purchase a portion of the public unassumed alleyway running east-west at the south side of their property, for the purpose of merging with their property for use of residential parking.

OUR Vision: To be the best place to raise a child and age successfully.

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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As there were no objections from any City department, division, or public utility, and there were no objections from abutting landowners, staff are supportive of the closure and sale of the Subject Lands to the owner of 39 Grosvenor Avenue South, Hamilton.

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 39 Grosvenor 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.

Legal: Subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved, 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 39 Grosvenor 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 were created by Registered Plan 586 in 1913. On May 9, 2023, staff received an application from the owner of 39 Grosvenor Avenue South, Hamilton, to stop up, close and purchase the Subject Lands to merge with their property for use of residential parking. The application was circulated internally and externally, and comments came back with concerns about access to abutting garages, so the limits of the Subject Lands were reduced to accommodate this concern, as agreed upon between the applicant and staff.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The closure of the Subject Lands will be subject to any application required by the City. In addition, a by-law must be passed to permanently close the Subject Lands in accordance with the *Municipal Act, 2001*.

Alleyway Management Strategy - Classification System (Report PW17008(a)):
The Subject Lands are classified as Hierarchy Class "D": Alleyway is unassumed and could be used for any of the following:

- commercial parking;
- public/private waste collection;
- special consideration; and access to rear yards or overland flow routes

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

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

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix "B", attached to Report PW24052 for comment. In this instance, there were 6 notices mailed, and the results are as follows:

In favour: 1

Opposed: 0

No comment: 0

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City department, division, or public utility, and there were no external objections, staff are in support of the closure and sale of the Subject Lands to the owner of 39 Grosvenor Avenue South, Hamilton, as shown on Appendix "A", attached to Report PW24052.

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ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW24052 - Aerial Drawing

Appendix “B” to Report PW24052 - Location Plan