



City of Hamilton Report for Consideration

To: Chair and Members
Public Works Committee

Date: April 28, 2025

Report No: PW25019

Subject/Title: Proposed Permanent Closure and Sale of a Portion of
Untravelled Road Allowance Abutting 302 Concession 14
East, Flamborough

Ward(s) Affected: Ward 15

Recommendations

1. That the application of the owner of 302 Concession 14 East, Flamborough, to permanently close and purchase a portion of the untravelled road allowance abutting the north-westerly side of 302 Concession 14 East, Flamborough ("Subject Lands"), as shown on Appendix "A", attached to Report PW25019, **BE APPROVED**, subject to the following conditions:
 - 1.1. That the City Solicitor **BE AUTHORIZED** and **DIRECTED** to prepare all necessary by-laws to permanently close and sell the highway, in accordance with the *Municipal Act, 2001*, for enactment by Council;
 - 1.2. 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 302 Concession 14 East, Flamborough, as described in Report PW25019, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - 1.3. The City Solicitor **BE AUTHORIZED** to complete the transfer of the Subject Lands to 302 Concession 14 East, Flamborough, 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;

- 1.4. 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;
- 1.5. That the City Solicitor **BE AUTHORIZED** to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- 1.6. That the Public Works Department **BE REQUIRED** to publish a 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;
- 1.7. 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.

Key Facts

- The owner of 302 Concession 14 East, Flamborough, has made an application to permanently close and purchase a portion of the road allowance abutting the north-westerly side of the property.
- The applicant proposes this closure to facilitate land assembly.
- There were no internal objections from any City department, division, or public utility.
- There were no external objections from any abutting landowner.
- Staff are supportive of the closure and sale of the Subject Lands to the owner of 302 Concession 14 East, Flamborough.

Financial Considerations

Financial: The applicant has paid the 2024 Council approved user fee of \$5,501.41. The Subject Lands will be sold to the owner of 302 Concession 14 East, Flamborough, 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:** 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 owner of 302 Concession 14 East, Flamborough, pursuant to an agreement negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department.

Background

The Subject Lands were created as an original road allowance laid out during the establishing of the original Township of East Flamborough. The portion of the road allowance lies south-east of the township border line between the townships of East Flamborough and Puslinch. The north-western portion of the road allowance has already been closed by the Township of Puslinch and forms part of the access to the abutting Mountsberg Reservoir lands. The north-eastern portion of the road allowance has already been closed and sold to the Halton Region Conservation Authority. Also, a small south-eastern portion of the road allowance was closed and sold to the owner of 400 McCrae Station Road, Flamborough, in 2023, as per report PW22077. On March 30, 2022, staff received an application from the owner of 302 Concession 14 East, Flamborough. Subsequently, on October 12, 2024, the owner provided confirmation to proceed with the application to close and purchase the Subject Lands. The purpose of this request is to consolidate the Subject Lands into the adjacent lands to address maintenance concerns. Given that all adjacent road allowance lands have been stopped up, closed, and acquired by private landowners or other agencies, it would be more appropriate to remove this isolated parcel from the City's inventory.

Analysis

As there were no internal objections received from any City department, division, or public utility, and there were no external objections received from any abutting landowner, staff are in support of the closure and sale of the Subject Lands to the owner of 302 Concession 14 East, Flamborough, as shown on Appendix "A", attached to Report PW25019.

Alternatives

N/A

Relationship to Council Strategic Priorities

Responsiveness & Transparency – Prioritize customer service and proactive communication. Emphasize exceptional customer service and proactive communication. The procedure for permanent road, alley, and walkway closures is a public service that allows individuals to apply and purchase a portion of public highway through an application submission process.

Previous Reports Submitted

N/A

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.

No utility company has advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, attached to Report PW25019 for comment. In this instance, there were 2 notices emailed, and the results are as follows:

In favour: 1

Opposed: 0

No objection: 1

Staff received one response in favour of the closure from the abutting owner at 400 McCrae Station Road, Flamborough, who had already applied for the closure and successful purchase of a portion of the untravelled road allowance just south-west of the Subject Lands in 2023. Staff received confirmation of no objection from the Halton Region Conservation Authority during the external circulation period.

Appendices and Schedules Attached

Appendix A: Aerial Drawing

Appendix B: Location Plan

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Public Works, Engineering Services, Geomatics & Corridor
Management

**Submitted and
recommended by:** Jackie Kennedy, Director, Engineering Services
Public Works, Engineering Services