



City of Hamilton Report for Consideration

To: Chair and Members
Public Works Committee

Date: May 20, 2025

Report No: PW25027

Subject/Title: Proposed Permanent Closure of a Portion of Road Allowance Between 75 & 83 Frederick Avenue, Hamilton

Ward(s) Affected: Ward 4

Recommendations

1. That the application from the City of Hamilton's Corporate Real Estate Office, to permanently close and retain a portion of the untravelled road allowance between 75 & 83 Frederick Avenue, Hamilton, and to be assigned the municipal address of 79 Frederick Avenue, Hamilton, ("Subject Lands"), as shown on Appendix "A" and "B", attached to Report PW25027, **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 the highway, in accordance with the *Municipal Act, 2001*, for enactment by Council;
 - 1.2. That the City Solicitor **BE AUTHORIZED** and **DIRECTED** to register a certified copy of the by-law(s) permanently closing and retaining the highway in the proper land registry office;
 - 1.3. That the City Solicitor **BE AUTHORIZED** to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
 - 1.4. 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;

- 1.5. 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 City of Hamilton's Corporate Real Estate Office has made an application to permanently close and retain a portion of the road allowance between municipal addresses 75 & 83 Frederick Avenue, Hamilton.
- The applicant proposes this closure to support and prepare the lands for future affordable housing development.
- There were no internal objections from any City department, division, or public utility.
- There were no external objections from any abutting landowners.
- Staff are supportive of the application from the City of Hamilton's Corporate Real Estate Office to close the Subject Lands.

Financial Considerations

Financial: The applicant has paid the 2024 Council approved user fee of \$5,270.79. The Subject Lands will be retained by the City of Hamilton's Corporate Real Estate Office of the Planning and Economic Development Department.

Staffing: N/A

Legal: The City Solicitor will prepare all necessary by-laws to permanently close 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.

Background

The Subject Lands, being a 15.24 metre-wide road established by Registered Plan 395 in 1906. On November 12, 2024, staff received an application from the Corporate Real Estate Office, to stop up, close, and retain the Subject Lands for the future development of affordable housing.

Analysis

As the closure of the Subject Lands supports future development and 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 of the Subject Lands.

Alternatives

None.

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

None.

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 PW25027 for comment. In this instance, there were 2 notices mailed, and the results are as follows:

In favour: 0

Opposed: 0

No objection: 0

Staff did not receive any responses during the external circulation period.

Appendices and Schedules Attached

Appendix A: Aerial Drawing

Appendix B: Location Plan

Prepared by:

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Public Works, Engineering Services, Geomatics & Corridor
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Submitted and recommended by:

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