



City of Hamilton Report for Consideration

To: Chair and Members
Public Works Committee

Date: July 7, 2025

Report No: PW25043

Subject/Title: Proposed Permanent Closure and Sale of a Portion of Public Road Allowances Abutting 95 Dundurn Street South, Hamilton

Ward(s) Affected: Ward 1

Recommendations

1. That the joint application of the owner of 95 Dundurn Street South, Hamilton, to permanently close and purchase a portion of the road allowances abutting the southern and western sides of 95 Dundurn Street South, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW25043, **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 95 Dundurn Street South, Hamilton, as described in Report PW25043, 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 the owner of 95 Dundurn Street 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;

- 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 95 Dundurn Street South, Hamilton, has made an application to permanently close and purchase a portion of the road allowance abutting the South and West sides of their property.
- The applicant proposes this closure to facilitate land assembly.
- There were no internal objections from any City department, division, or public utility.
- As the applicant is the only abutting landowner, there was no external circulation.
- Staff are supportive of the closure and sale of the Subject Lands to the owner of 95 Dundurn Street South, Hamilton.

Financial Considerations

Financial: The applicant has paid the 2025 Council approved user fee of \$5,460.55. The Subject Lands will be sold to the owner of 95 Dundurn Street 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: 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 proper 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 95 Dundurn Street South, Hamilton, pursuant to an agreement negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department.

Background

The Subject Lands, being Parcel A on Appendix “A” and “B” to Report PW25043, represents a widening of Jackson Street to facilitate a future 9-metre radius turning circle and was dedicated as a public highway By-Law 24-006 registered as Instrument WE1721310 dated January 31, 2024.

The Subject Lands being Parcel B on Appendix “A” and “B” to Report PW25043 was land acquired as a road widening in 1911 along Dundurn Street South to facilitate slope stabilization to allow grade changes for the construction of a bridge over the railway line known as the Hamilton-Toronto line.

On March 19, 2025, staff received an application from the owner of 95 Dundurn Street South, Hamilton, to close and purchase the Subject Lands to support land assembly required for a proposed development. The site plan application for the proposed development is being processed under the All4One pilot which is a cross-departmental City initiative to shorten the overall timeline of the Site Plan process for non-profit development projects.

Analysis

As there were no internal objections received from any City department, division, or public utility, and as the applicant is the only abutting landowner, staff are in support of the closure and sale of the Subject Lands to the owner of 95 Dundurn Street South, Hamilton, as shown on Appendix "A", attached to Report PW25043.

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.

As the applicant is the only abutting landowner, there was no external circulation.

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: Brian Hollingworth, Acting Director, Engineering Services
Public Works, Engineering Services