

CITY OF HAMILTON***PUBLIC WORKS DEPARTMENT
Operations and Waste Management Division***

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARD 13
COMMITTEE DATE: October 3, 2011	
SUBJECT/REPORT NO: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 50 Cayley Street, Dundas (PW10093a) - (Ward 13) (Outstanding Business List Item)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Marilyn Preston (905) 546-2424, Extension 4298
SIGNATURE:	

RECOMMENDATION:

- (a) That Report PW10093a respecting the Proposed Permanent Closure and Sale of the Public Unassumed Alley Abutting 50 Cayley Street, Dundas, as shown on Appendix "A" attached to Report PW10093a, be received and the file be closed;
- (b) That the item respecting the Proposed Permanent Closure and Sale of the Public Unassumed Alley Abutting 50 Cayley Street, Dundas be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

At the October 4, 2010 meeting of the Public Works Committee a report regarding a request to permanently close and sell the public unassumed alley abutting 50 Cayley Street in Dundas was considered. At that time, the applicant and two other property owners abutting the alley appeared as delegations. As the applicant and the owners were not in agreement on how the lands would be divided, the item was referred back to staff for further review. Staff advised the applicant to seek a resolution of any issues the other abutting owners had within a reasonable amount of time to proceed with the closure. The applicant was given a March 15, 2011 deadline to provide information demonstrating that all three property owners were in agreement with the proposed

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division of the alley. Subsequent correspondence in May was issued to confirm status of file with no response. As the March 15, 2011 deadline for a response has now passed, staff are prepared to close this file and the item can be removed from the Outstanding Business List.

Alternatives for Consideration - See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: There are no financial implications to closing this file. The application fee covered the costs associated with processing the application.

Staffing: There are no staffing implications associated with the closure of this file.

Legal: There are no legal implications associated with the closure of this file.

HISTORICAL BACKGROUND

An application to permanently close and purchase a portion of public unassumed alley abutting 50 Cayley Street, Dundas was received and Report PW10093 was presented to the Public Works Committee on October 4, 2010. At the time of the meeting, two other abutting property owners attended to express concerns about the proposed closure. The item was therefore referred back to staff to attempt to find resolution to these concerns. The applicant was advised to discuss the proposed closure with the abutting neighbours and submit evidence that all owners were in agreement on the closure. Nearly a year has passed and the applicant has not been able to provide this information so staff is recommending that this file be closed and the item removed from the Public Works Committee Outstanding Business List.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Staff from Legal Services advised the applicant's solicitor in writing of the deadline for a resolution to any issues associated with the proposed closure. The date has now passed and an appropriate response has not been submitted. Therefore, Legal Services supports the recommendation to close this file.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Staff understands that the parties did meet to discuss this file, however, they did not reach an agreement on the disposition of the alley. As the applicant has not responded with information regarding the resolution of any issues that the other abutting property

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owners have, staff is recommending that this file be closed and the item removed from the Outstanding Business List.

ALTERNATIVES FOR CONSIDERATION

As the deadline provided to the applicant to achieve a resolution has now passed, the only alternative to closing this file is for staff to continue to hold the file in abeyance.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Healthy Community

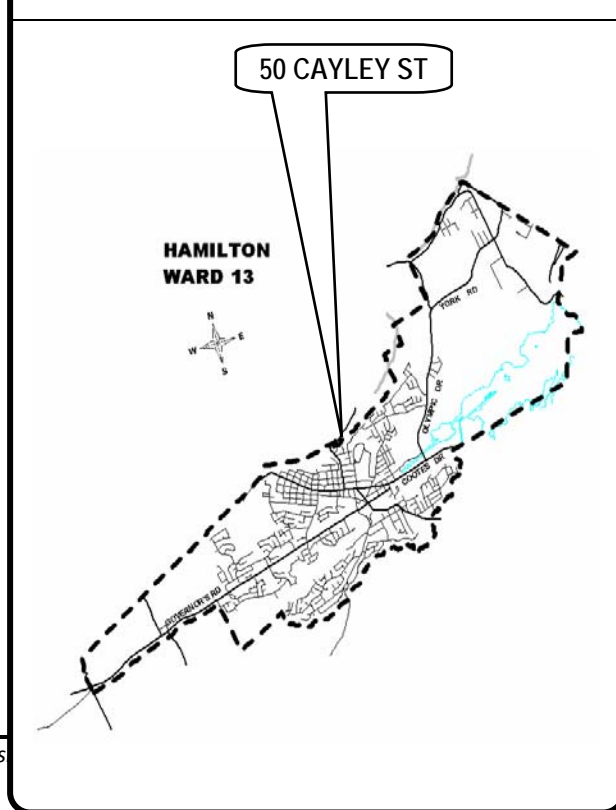
- ♦ Plan and manage the built environment

APPENDICES / SCHEDULES

Appendix "A" - Location Plan



KEY MAP



LOCATION PLAN

PROPOSED CLOSURE AND SALE OF
A PORTION OF PUBLIC ALLEY
ABUTTING

50 CAYLEY STREET

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND



SUBJECT LAND

SCALE

NOT TO SCALE

DATE

2011-09-27

REFERENCE FILE NO:

APPENDIX "A"
REPORT PW10093a