TO: Chair and Members
Public Works Committee

WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: September 20, 2010

SUBJECT/REPORT NO:
Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Old Mohawk Road Abutting 1114 Old Mohawk Road, Ancaster (PW10083) - (Ward 12)

SUBMITTED BY:
Gerry Davis, CMA
General Manager
Public Works Department

PREPARED BY:
Marilyn Preston,
(905) 546-2424, Extension 4298

SIGNATURE:

RECOMMENDATION:

That the application of Maranatha Free Reformed Church to permanently close and purchase a portion of the road allowance abutting the property at 1114 Old Mohawk Road, Ancaster, be approved, subject to the following conditions:

(a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;
(b) That the appropriate by-law be introduced and enacted by Council;
(c) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;
(d) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;
(e) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;
(f) That the Public Works Department publish a notice pursuant to Section 34 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, of the City’s intention to pass the by-law.

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EXECUTIVE SUMMARY

Maranatha Free Reformed Church at 1114 Old Mohawk Road has submitted an application to permanently close and purchase a portion of the road allowance abutting the property. The intent of the closure is to establish a parking area for the congregation. A sketch of the proposed closure area has been attached as Appendix “B” to Report PW10083.

There were some negative comments received from the neighbourhood, however, the comments were regarding existing issues with on street parking and a possible increase in traffic. As the proposed parking area will not likely have any impact on these issues, the Operations & Waste Management Division supports the application to close and sell the lands.

Alternatives for Consideration - See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: The applicant has paid the applicable user fee of $1800.99. The lands will be transferred at fair market value, as determined by the Planning and Economic Development Department, Economic Development and Real Estate Division.

Staffing: Agreements to purchase the subject lands will be negotiated by the Economic Development and Real Estate Division.

Legal: The City Solicitor will prepare the by-law to permanently close the subject lands and will register this by-law in the Registry Office once Council has approved it. The City Solicitor will complete the transfer of the subject lands to the abutting owners, pursuant to an agreement of purchase and sale or Offer to Purchase, as negotiated by the Economic Development and Real Estate Division.

HISTORICAL BACKGROUND

Maranatha Free Reformed Church at 1114 Old Mohawk Road, Ancaster, requires more parking for their congregation. Therefore, an application has been submitted to permanently close and purchase a portion of the road allowance of Old Mohawk Road abutting the property.

The subject road allowance is currently a grassed ditch area adjacent to the church parking lot.

POLICY IMPLICATIONS

A by-law must be passed to permanently close the lands in accordance with the Municipal Act.
The closure and sale of the lands will fulfil the priorities established in the Public Works Business Plan within “Communities” as it as it reflects our desire to “establish mutually beneficial charters with external customers”.

**RELEVANT CONSULTATION**

Notice of the proposed closure and sale was sent to 14 property owners within a 400 foot (121.9 metre) radius of the closure area. One positive response was received and two negative responses were received from the subject area. The reason for the opposition were issues with staff from a nearby long term care facility parking on the street, increased traffic and environmental damage.

As well, six negative responses in the form of photocopies of the original notice were received from outside of the notification area. These responses stated opposition to the proposed parking lot for reasons such as increased traffic and environmental damage.

The following City staff were consulted on this application:

- Planning and Economic Development Department: Development Engineering, Building Services, Economic Development and Real Estate and Planning
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance Division
- Ward Councillor

Both the Development Engineering Division and the Operations and Waste Management Division advise that any lot grading must be done outside of the existing ditch.

Building Services will require the lands to be rezoned from “A” (Agricultural) to facilitate the proposed parking area. It is suggested that the lands be rezoned to an “I1” zone (per Hamilton Zoning By-law 05-200) as this is the present zoning of the lands known municipally as 1114 to 1120 Old Mohawk Road. The applicant is aware of this requirement and will proceed with the rezoning should the road allowance closure be approved.

Public utilities including Horizon Utilities, Bell and Union Gas were circulated for comment. Hydro One requires an easement over the subject area with the private landowner.

The remaining City Departments and Ward Councillor did not have any comments.
ANALYSIS / RATIONALE FOR RECOMMENDATION

As the negative comments received from the neighbourhood relate to existing issues that an increased parking area would not impact, the Operations & Waste Management Division supports the application.

ALTERNATIVES FOR CONSIDERATION

The lands could remain open, however, the City would not receive the revenue from the lands at fair market value and the lands are surplus to the City’s needs. With changes to Mohawk Road as a result of the construction of the Lincoln Alexander Parkway, the City has no use for the subject lands.

CORPORATE STRATEGIC PLAN


Social Development
- Residents in need have access to adequate support services

Healthy Community
- Plan and manage the built environment

APPENDICES / SCHEDULES

Appendix “A” - Location Plan
Appendix “B” - Sketch of Proposed Closure
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