TO: Chair and Members
Public Works Committee
WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: March 22, 2010

SUBJECT/REPORT NO: Proposed Permanent Closure and Transfer of a Portion of a
Temporary Road Being Blocks 157, 158, 159, 160 and 161 on Plan 62M-1065,
Meadowlands of Ancaster (Phase 8), Ancaster (PW09072a/PED09259a)
Public Works Outstanding Business List

SUBMITTED BY:
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Planning and Economic Development

PREPARED BY:
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SIGNATURE:

RECOMMENDATION:
(a) That the application to permanently close and transfer a portion of the temporary
road being Blocks 157, 158, 159, 160 and 161, on Plan 62M-1065, be approved;
(b) That the draft by-law attached as Appendix “B” to Report PW09072a/PED09259a be
introduced, read and passed by Council;
(c) 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;

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
(d) 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;

(e) That item on the Outstanding Business List “Proposed Permanent Closure/ Transfer of a portion of Temporary Road - Meadowlands of Ancaster (Phase 8)” be identified as completed and removed from the Outstanding Business List.

EXECUTIVE SUMMARY

The City intends to permanently close a portion of the road allowance being Blocks 157, 158, 159, 160 and 161 on Plan 62M-1065 in the Meadowlands of Ancaster Subdivision (Phase 8), as shown on the Location Plan attached as Appendix “A”. The subject lands were acquired by the City for the purpose of establishing a temporary roadway link between Chambers Road and Stonehenge Drive, in accordance with a Subdivision Agreement dated December 23, 2005. The Subdivision Agreement stipulates that the lands be permanently closed and transferred back to the developer when a second access road has been established. The second access road has now been established through the creation of Regan Drive and Lockman Avenue which connect with Springbrook Avenue. Therefore, the temporary road is no longer required. The City is now contractually obligated to return the lands to the developer who remains the abutting owner and will assume responsibility for the lands.

Alternatives for Consideration - See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The lands will be transferred back to the developer for a nominal (two dollar) fee, as per the Subdivision Agreement.

Staffing: N/A

Legal: The City Solicitor has prepared a by-law to permanently close the subject lands which is attached as Appendix “B”. The by-law will be registered in the Land Registry Office once Council has approved it. The permanent closure and transfer of the lands fulfills the City’s contractual obligations under the Subdivision Agreement.

HISTORICAL BACKGROUND

A temporary road comprised of Blocks 157, 158, 159, 160 and 161 on Plan 62M-1065 was installed in the Meadowlands of Ancaster Subdivision (Phase 8), as shown on the Location Plan attached as Appendix “A”, until such time as a permanent secondary access could be established. As the secondary access has now been established, the temporary access must be permanently closed and transferred back to the developer at a nominal fee (one dollar), pursuant to the conditions of the Subdivision Agreement.
POLICY IMPLICATIONS

The lands must be permanently closed under the Municipal Act before they can be transferred back to the former owner, the developer in the area.

The closure and sale to the developer will fulfill the priorities established in the Public Works Business Plan within “Communities” as it reflects our desire to “establish mutually beneficial charters with external customers”.

RELEVANT CONSULTATION

Notice of the intent to close and transfer these lands was circulated to municipal departments and public utilities and no negative comments were received.

Pursuant to the Public Notice by-law, no public notice is required in this situation. No environmental assessment is required for the closure.

The following City staff were consulted and had no negative comments on this issue:

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

The Environment and Sustainable Infrastructure Division of the Public Works Department will require an easement for sewer and water systems between Chambers Drive and the Stonehenge/Meadowlands intersection.

Consultation with the following public utilities included Horizon Utilities, Hydro One, Bell and Union Gas.

Hydro One has requested an easement be granted to accommodate a hydro line. The Engineering Design and Construction Section of the Planning and Economic Development Department is currently negotiating the size and duration of the easement required.
ANALYSIS / RATIONALE FOR RECOMMENDATION

The subject lands were established for the purpose of providing temporary access during early phases of construction of the subdivision. As later stages developed, a secondary, permanent access was established in the subdivision.

The developer has recently submitted a draft plan of Subdivision on the adjacent lands which will provide a walkway block over Blocks 158 and 159 and will extend Stonehenge Drive between Raymond Road and Meadowlands Boulevard and create residential lots on Block 156. The walkway block will also accommodate the municipal interests over the existing watermain, storm and sanitary sewers.

As the lands are no longer required by the City and as the developer will assume responsibility for the lands, staff supports the permanent closure and transfer of the lands to the Developer.

ALTERNATIVES FOR CONSIDERATION:

As the City is contractually obligated to permanently close and transfer Blocks 157, 158, 159, 160 and 161 on Plan 62M-1065 in the Meadowlands of Ancaster (Phase 8) Subdivision back to the developer, there are no alternatives for consideration.

CORPORATE STRATEGIC PLAN


Skilled, Innovative & Respectful Organization

• More innovation, greater teamwork, better client focus

Financial Sustainability

• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Healthy Community

• Plan and manage the built environment

APPENDICES / SCHEDULES

Appendix “A” - Location Plan
Appendix “B” - DRAFT By-law
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CITY OF HAMILTON

BY-LAW NO. 10-

Being a By-law to Permanently Close a Portion of a Temporary Road being Blocks 157, 158, 159, 160, and 161 on Plan 62M-1065, Meadowlands of Ancaster (Phase 8), City of Hamilton

WHEREAS the Council of the City of Hamilton is empowered under Section 34 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, to permanently close any highway or part of a highway;

AND WHEREAS the Council of the City of Hamilton on March….., 2010, in adopting Item of the Public Works Committee Report 10-, authorized the closure of that portion of a Temporary Road being Blocks 157, 158, 159, 160, and 161 on Plan 62M-1065, Meadowlands of Ancaster (Phase 8), City of Hamilton;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the part of Meadowlands Boulevard, Hamilton, set out as:
   Blocks 157, 158, 159, 160, and 161 on Plan 62M-1065, Meadowlands of Ancaster (Phase 8), City of Hamilton;
   is hereby permanently closed.

2. That Blocks 157, 158, 159, 160, and 161 on Plan 62M-1065, Meadowlands of Ancaster (Phase 8), City of Hamilton, hereby permanently closed, be transferred to Landmart Realty Corp. for nominal consideration pursuant to plan of subdivision approval.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED AND ENACTED on this day of , 2010.

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MAYOR – Fred Eisenberger  CLERK – Kevin C. Christenson