TO: Chair and Members
Public Works Committee

WARD(S) AFFECTED: WARD 1

COMMITTEE DATE: June 14, 2010

SUBJECT/REPORT NO:
Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Cootes Drive, North of 1510 Main Street West, Hamilton (PW10060) - (Ward 1)

SUBMITTED BY:
John Mater, C.E.T.
Acting General Manager
Public Works Department

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

SIGNATURE:

RECOMMENDATION:
That the application of Kids Care Oncology Central West Ontario (KCOCWO), Ronald McDonald House, to permanently close and purchase a portion of the road allowance of Cootes Drive, north of 1510 Main Street West, Hamilton, being Parts 8, 9 and 10 on Plan 62R-11918, as shown on Appendix “B” attached to Report PW10060, be approved, subject to the following conditions:

(i) That the appropriate by-law be introduced, read and passed by Council;

(ii) 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;

(iii) 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.

EXECUTIVE SUMMARY
The City has been approached by Kids Care Oncology Central West Ontario (KCOCWO), Ronald McDonald House, to acquire a portion of the road allowance of Cootes Drive to facilitate an expansion of the house. Ronald McDonald House serves...
SUBJECT: Proposed Closure and Sale of a Portion of the Road Allowance of Cootes Drive, North of 1510 Main Street West, Hamilton (PW10060) - (Ward 1) - Page 2 of 4

the families of critically ill children and has a current average occupancy of 106%. The expansion would allow KCOCWO to support more families in need. In support of this request, City Council approved a motion on December 10, 2008, directing the Public Works Department to initiate the closure of a portion of the road allowance of Cootes Drive, Hamilton on behalf of Ronald McDonald House, attached to Report PW10060 as Appendix “A”. The lands are designated as parts or all of Parts 8, 9 and 10 on Plan 62R-11918 (save and except any lands to be retained for sidewalk or any other municipal requirements). The lands will be transferred for a nominal fee ($1.00) and will be merged with the existing lot to facilitate an expansion of the use. In accordance with the motion of December 10, 2008, any other fees relating to zoning or planning issues will be waived to a maximum cost of $20,000. As Ronald McDonald House plays an important role in the community by assisting critically ill children and their families, this Department supports the closure and sale.

Alternatives for Consideration - See Page 3

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<tr>
<th>FINANCIAL / STAFFING / LEGAL IMPLICATIONS</th>
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<td>Financial: Council has directed that all fees associated with the closure be waived, to a maximum cost of $20,000, and the lands will be transferred to KCOCWO for a nominal fee of $1.00.</td>
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<td>Staffing: N/A</td>
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<td>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 applicant pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Economic Development and Real Estate Division.</td>
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<th>HISTORICAL BACKGROUND</th>
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<td>The Public Works Department received correspondence from Ronald McDonald House inquiring as to the procedure to purchase a portion of the road allowance of Cootes Drive, abutting the property at 1510 Main Street West, Hamilton. To facilitate the transaction, a Motion of Council was approved on December 10, 2008, attached to Report PW10060 as Appendix “A”, which directed the Public Works Department to proceed with the closure and transfer of the lands to Ronald McDonald House. The subject vacant lands will be merged with the existing property to facilitate the expansion of Ronald McDonald House.</td>
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<td>As part of a road allowance, the lands must be permanently closed under the Municipal Act before they can be transferred to KCOCWO.</td>
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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 intent to close and transfer these lands was circulated to a 400' (121.9 metre) radius of the neighbourhood for comment. Seventy-one (71) notices were sent and only three (3) responses were received. All of the responses supported the closure and sale to Ronald McDonald House.

Notice of the intent to close and transfer these lands was circulated to municipal departments and no negative comments were received. Public utilities including Hydro One, Horizon Utilities, Union Gas and Bell Canada were also circulated for comment and no negative comments were received.

- 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
- Mayor

No part of the subject lands is required for sidewalks or any other municipal requirements and no easements are required by any commenting agency.

### ANALYSIS / RATIONALE FOR RECOMMENDATION

The Public Works Department was directed to proceed with the permanent closure and transfer of the lands to KCOCWO through a Notice of Motion presented at the City Council meeting of December 10, 2008, attached to Report PW10060 as Appendix “A”.

### ALTERNATIVES FOR CONSIDERATION:

As Council has directed staff to proceed with the permanent closure and transfer of the lands to KCOCWO, no other alternatives were considered.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

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”: Notice of Motion
Appendix “B”: Location Sketch
LOCATION PLAN

PROPOSED CLOSURE OF ROAD ALLOWANCE AT 1510 MAIN STREET WEST
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE DATE
NOT TO SCALE 2010-06-09
REFERENCE FILE NO: PW10060

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NOTICE OF MOTION

Minutes from the December 8, 2008 Committee of the Whole Meeting as approved by Council on December 10, 2008

9.1 City Road Allowance Lands to Ronald McDonald House for Building Expansion Purposes

(McHattie/Jackson)
That the rules be waived to allow the introduction of this motion.  CARRIED

(McHattie/Whitehead)

(a) That the City of Hamilton (via Business Service Section, Public Works) initiate a Road Closure Application for a portion of the Cootes Drive road allowance, being a part of or all of Parts 8, 9 and 10 on Plan 62R-11918 (save and except any lands to be retained for sidewalk or any other municipal requirements), located north of the property at 1510 Main St West owned by Kids Care Oncology Central West Ontario (KCOCWO) – Ronald McDonald House, being those lands necessary for the building expansion at 1510 Main Street West;

(b) That the Road Closure application, processing, advertising, environmental assessment and any other associated fees or costs be waived, to maximum cost of $20,000.

(c) That upon the successful stopping up and closing of the road allowance that the lands be declared surplus to City of Hamilton requirements, subject to any easements for municipal or utilities use;

(d) That the Legal Services Department be directed to transfer title of these lands to KCOCWO for a $1.00 nominal sale price and that the lands merge with the property at 1510 Main Street West.

(e) That as a condition and covenant of the sale by the City of Hamilton to KCOCWO, should the subject lands no longer be used for KCOCWO or a related charitable uses that KCOCWO agree that the ownership of the subject lands revert back, for $1.00, to the City of Hamilton together with any buildings or structure on the subject lands.

(f) That subject to the successful sale and transfer of the subject lands to KCOCWO any municipal Zoning/Official Plan amendment, modification, variance and other associated planning fees or costs, relating to the subject lands, be waived, to a maximum cost of $20,000.

CARRIED
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