SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 Winona Road, from Railway Street to South Service Road, Stoney Creek (PW07041) - (Ward 11)

RECOMMENDATION:

(a) That the application of F. and C. D’Orazio and A. and I. Morelli, to permanently close and purchase a portion of road allowance abutting 400 Winona Road, from Railway Street to South Service Road, in the former City of Stoney Creek, now in the City of Hamilton, be approved, subject to the following conditions:

(i) That the applicants make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the subject lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicants register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicants deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services;

(b) That provided the Judge’s Order to permanently close the lands is granted:

(i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;
SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 Winona Road, from Railway Street to South Service Road, Stoney Creek (PW07041) - (Ward 11) - Page 2 of 3

(iii) That the Development and Real Estate Division, 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;

(iv) 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;

(v) 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;

(vi) 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

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

An application has been received to permanently close and purchase a portion of road allowance abutting 400 Winona Road, from the property owners to the east and west of the subject lands. As the lands are not zoned for development and as the lands would be of no use to anyone other than the applicants, this Department supports the sale of the subject lands.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 11. An application was received from F. and C. D’Orazio and A. and I. Morelli to permanently close and purchase a portion of road allowance running between their properties, to the east and west of the subject lands. The request is to purchase the road allowance and consolidate the parcel.

Notice was circulated to owners within a 400’ radius of the subject lands and the results are as follows:

Number Circulated: 7
In favour: 2 Opposed: 0 No response: 5

Notice was circulated to municipal departments and public utilities and no negative comments were received.
As there have been no objections to this application, this Department supports the request.

**ANALYSIS/RATIONALE:**

Notices were sent to the neighbourhood, municipal departments and public utilities and no negative comments were received.

**ALTERNATIVES FOR CONSIDERATION:**

The lands could be retained by the City, however they would be of little use to anyone other than the abutting owners.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The lands will be conveyed at fair market value and the funds will be deposited into the Real Estate section’s account for future land purchases.

**POLICIES AFFECTING PROPOSAL:**

The lands must be permanently closed by by-law as per the Municipal Act. No Environmental Assessment is required in this instance.

**RELEVANT CONSULTATION:**

The Ward Councillor supports the request.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced. [ ] Yes [x] No
- Environmental Well-Being is enhanced. [ ] Yes [x] No
- Economic Well-Being is enhanced. [x] Yes [ ] No

The lands will be transferred at fair market value and the proceeds will be used for future land purchases by the City.

Does the option you are recommending create value across all three bottom lines? [ ] Yes [x] No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? [x] Yes [ ] No
LOCATION PLAN

PROPOSED CLOSURE
AND SALE OF UNOPENED ROAD
ALLOWANCE
400 WINONA ROAD
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE NOT TO SCALE
DATE 2007-04-11
REFERENCE FILE NO: PW07041