SUBJECT: Proposed Permanent Closure of a Portion of Public Unassumed Alley South of 10 Weir Street North - (PW05141) - (Ward 4)

RECOMMENDATION:

(a) That the application to permanently close and purchase a portion of the public unassumed alley running east/west beside 10 Weir Street North, Hamilton, from the entrance of the alley to the rear property limit of 10 Weir Street North, Hamilton, be approved, subject to the following:

(i) That the applicant 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 unassumed alley south of 10 Weir Street North.

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion of alley 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 applicant 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 applicant 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 public unassumed alley is granted:

(i) That the City Solicitor be authorized and directed to prepare a By-law to permanently close the highway.
EXECUTIVE SUMMARY:
The City has received a request to permanently close the public unassumed alley running east/west beside number 10 Weir Street North, from the entrance to the alley to the rear property limit of 10 Weir Street North. There are two businesses on Main Street East which are also abutting the alley and one would be interested in purchasing half of the alley. The other property owner is opposed to the closure as the property was purchased with access from both Main Street and the alley. However, access from an unassumed alley cannot be guaranteed by the City and the legal access to the property is from Main Street. Therefore, this Department is in favour of the closure and sale.

BACKGROUND:
The information/recommendations contained within this report primarily affects Ward 4. An application has been received to permanently close a portion of public unassumed alley running east/west beside number 10 Weir Street North, from the entrance to the alley to the rear property limit of 10 Weir Street North.

Notice of the proposed closure was circulated to a 400’ radius of the neighbourhood and the results are as follows:

Number Circulated: 116
In favour: 12  
Opposed: 2  
No response: 102

One of those opposed would be interested in purchasing half the alley if it is closed and sold. The other person opposed is requesting that access to his property from both Main Street and the alley be maintained.

Notice was circulated to municipal departments and utilities and no negative comments were received.

As the property owner who is opposed has the legal access to the property from Main Street and as the other abutting property owner would be interested in purchasing half the alley if closed, this Department is in favour of the closure and sale of the alley.

ANALYSIS/RATIONALE:
Notice was circulated to a 400’ radius of the neighbourhood for comment. No environmental assessment is required.
ALTERNATIVES FOR CONSIDERATION:

The alley could remain open, allowing all abutting owners to continue to use it.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The applicant has paid a user fee for processing the request and will be responsible for the cost of a newspaper ad advising the public of the proposal.

POLICIES AFFECTING PROPOSAL:

The lands must be permanently closed by By-law before they can be transferred.

RELEVANT CONSULTATION:

The Ward Councillor supports the request. Internal departments and utility companies were circulated and no negatives comments were received.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and 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  ☐ No

Improves land use efficiency within the urban area.

Environmental Well-Being is enhanced.  ☐ Yes  ☑ No

Economic Well-Being is enhanced.  ☐ Yes  ☑ No

Does the option you are recommending create value across all three bottom lines?  ☐ Yes  ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☐ Yes  ☑ No
PROPOSED CLOSURE:
ALLEYWAY SOUTH OF 10 WEIR STREET NORTH

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE NOT TO SCALE
DATE 2005-11-29

REFERENCE FILE NO: PW05141