CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations and Maintenance Division

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<th>Report to:</th>
<th>Chair and Members Public Works Committee</th>
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<td>Submitted by:</td>
<td>Gerry Davis, CMA General Manager Public Works Department</td>
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<tr>
<td>Date:</td>
<td>June 15, 2009</td>
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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Hamilton Drive Road Allowance at the Rear of 27 and 31 Stowbridge Crescent, Ancaster - (PW09065) - (Ward 12)

RECOMMENDATION:

(a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close a portion of the road allowance of Hamilton Drive, at the rear of 27 and 31 Stowbridge Crescent, Ancaster;

(b) That the appropriate by-law be introduced and enacted by Council;

(c) That the Real Estate Section, Planning and Economic Development Department, be authorized to negotiate the sale of the lands, 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.

_______________________
Gerry Davis, CMA
General Manager
Public Works Department
EXECUTIVE SUMMARY:

The owners of 27 Stowbridge Crescent in Ancaster have made application to permanently close and purchase a portion of road allowance at the rear of their property. The closure and sale is requested to increase the size of the backyard by incorporating a portion of the Hamilton Drive road allowance into the existing lot. Another abutting neighbour will purchase a separate portion of the road allowance abutting their property at 31 Stowbridge Crescent. As the City has realigned Hamilton Drive and it has been determined that the road allowance will not be needed for future works, this Department supports the application.

BACKGROUND:

That the information/recommendations contained within this report primarily affects Ward 12.

An application has been submitted by the owners of 27 Stowbridge Crescent in Ancaster to purchase a portion of the Hamilton Drive road allowance at the rear of the property. The intention of the closure is to merge the road allowance with the existing property to create a larger rear yard.

The final design for the realignment of that portion of Hamilton Drive has been approved and, as a result, the road allowance will not be needed for any future road widenings. The closure of the road allowance will create parcels abutting both 27 and 31 Stowbridge Crescent. The owners of 31 Stowbridge Crescent, while not the applicants, have advised the City of their intention to purchase the portion of road allowance abutting their property.

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

Number Circulated: 48
In favour: 3  Opposed: 0  No response: 45

Municipal departments were advised of the proposal and no objections were received. Public Utilities were also advised of the proposal and no objections were received, however, Bell Canada advises a cable locate will be required should the road allowance be closed.

ANALYSIS/RATIONALE:

The closure and sale will benefit the property owners by increasing their lot sizes while having no negative impact on the City. Therefore, this Department supports the application.

ALTERNATIVES FOR CONSIDERATION:

The lands could remain open, however, the City would lose the revenue generated from the sale of the lands.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The applicant has paid the appropriate user fee. The City will receive the proceeds from the sale of the lands to abutting owners at fair market value, as determined by the Real Estate Division. These monies will be deposited into the Real Estate account for future land purchases. There may also be an increase to the tax base as a result of the new lot sizes.

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 applicants pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Real Estate Section.

POLICIES AFFECTING PROPOSAL:
The lands must be closed by by-law under the Municipal Act. As the closure and sale will benefit the property owners and relieve the City of responsibility for the road allowance, the transaction will fulfill the City of Hamilton Strategic plan requirement of delivering municipal services and managing capital assets/liabilities in a sustainable, innovative and cost effective manner. In addition, the closure and sale will fulfill the priorities established in Innovate Now! under the heading of “Communities” as it includes the requirement of establishing “mutually beneficial charters with external customers”.

RELEVANT CONSULTATION:
Notices were circulated to:

- 400’ radius of the neighbourhood.
- Public utilities: Horizon Utilities, Union Gas, Bell Canada and Hydro One
- Municipal departments: Planning & Economic Development and Public Works
- Office of the Mayor

Ward 12 Councillor, Lloyd Ferguson supports the closure and sale of the road allowance.

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

The proceeds from the sale of the road allowance at fair market value will be deposited in the Real Estate account for future land purchases by the City.
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
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LOCATION PLAN

PROPOSED CLOSURE:
PORTION OF ROAD ALLOWANCE
REAR OF 27 AND 31 STOWBRIDGE CRESCENT
IN ANCASTER
CITY OF HAMILTON

LEGEND

SUBJECT LAND

SCALE NOT TO SCALE
DATE 2009-06-15
REFERENCE FILE NO: PW09065