SUBJECT: Proposed Permanent Closure of a Portion of Olmstead Street, Hamilton (PW06102) - (Ward 1)

RECOMMENDATION:

(a) That the application of 690 Main Street West (Hamilton) Limited, to permanently close and purchase a portion of Olmstead Street, be approved, subject to the following conditions:

(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 a portion of Olmstead Street, Hamilton.

(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 road 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.

(v) 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 road is granted:

(i) That the City Solicitor be authorized and directed to prepare a By-law to permanently close the highway.

(ii) That the appropriate By-law be introduced and enacted by Council.

(iii) That the Development and Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed...
SUBJECT: Proposed Permanent Closure of Portion of Olmstead Street, Hamilton (PW06102) - (Ward 1) - Page 2 of 3

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 300 of the Municipal Act, R.S.O. 1990, of the City’s intention to pass the By-law.

(vii) That the applicant provide a 12.0 metre wide easement for the existing 150mm watermain and 300mm combined sewer.

John Mater, C.E.T.
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

An application was received from 690 Main Street West (Hamilton) Limited to close and purchase a portion of Olmstead Street, from 4 Olmstead to 34 Olmstead. The closure is requested to facilitate the expansion of an existing McMaster University medical facility. The applicant is the owner of the properties north and south of the subject road. As no objections were received and as the applicant will provide the required sewer and water easement, this Department supports the request.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 1. 690 Main Street West (Hamilton) Limited has made application to permanently close and purchase a portion of Olmstead Street in Hamilton. There is an existing McMaster medical facility at the location and the additional lands will facilitate expansion of the site. The applicant is the owner of the abutting lands to the north and south of Olmstead Street.

Notice of the closure was circulated to municipal departments and public utilities and no negative comments were received. Water and Wastewater advises that the City will require a 12.0 metre easement for the existing 150mm watermain and 300mm combined sewer within the Olmstead Street road allowance. Environmental Planning advises that the closure will be subject to an environmental assessment and all associated costs will be the responsibility of the applicant.
Notice was also circulated to a 400’ radius of the neighbourhood and the results are as follows:

Number Circulated: 42
In favour: 4   Opposed: 0   No comment: 38

As municipal departments, public utilities and the neighbourhood were circulated for comment and no objections were received, this Department supports the request.

**ANALYSIS/RATIONALE:**
An environmental assessment at the expense of the applicant will be required in this instance. Municipal departments, public utilities and a 400’ radius of the neighbourhood were circulated for comment.

**ALTERNATIVES FOR CONSIDERATION:**
The road could remain open however it is required in conjunction with the development of the site.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**
The applicant has paid the user fee of $300. The lands will be conveyed to the applicant at fair market value as determined by the Development and Real Estate Division.

**POLICIES AFFECTING PROPOSAL:**
The lands must be closed by By-law as required under the Municipal Act.

**RELEVANT CONSULTATION:**
The Ward Councillor supports the closure. All public utilities, municipal departments and a 400’ radius of the neighbourhood were circulated for comment.

**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
The road closure will facilitate the development of the site for medical services for the community.

**Environmental Well-Being is enhanced.** □ Yes ☑ No

**Economic Well-Being is enhanced.** ☑ Yes □ No
The City will receive the proceeds from the sale of the lands at fair market value and the associated increase to the tax base.

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
LOCATION PLAN

PROPOSED ROAD ALLOWANCE CLOSURE FROM 4 OLMSTEAD STREET TO 34 OLMSTEAD STREET
CITY OF HAMILTON PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE
NOT TO SCALE
2006-07-28

REFERENCE FILE NO: PW06102