SUBJECT: Proposed Closure of a Portion of Jarvis Street Road Allowance to Pedestrian Traffic (PW06057/PED06153) - (Ward 2)

RECOMMENDATION:

That the portion of Jarvis Street previously closed to vehicular traffic by by-law 69-17, be permanently closed to pedestrian traffic subject to the following conditions:

(a) That the application to permanently close a portion of the road allowance of Jarvis Street (the highway), known municipally as part of 289, 293 and 297 King Street East and 12 Jarvis Street, be approved.

(b) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway to pedestrian traffic.

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

(d) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway to pedestrian traffic in the proper land registry office.
SUBJECT: Proposed Closure of a Portion of Jarvis Street Road Allowance to Pedestrian Traffic (PW06057/PED06153) - (Ward 2) - Page 2 of 4

(e) That the by-law permanently closing the highway to pedestrian traffic does not take effect until a certified copy of the by-law is registered in the proper land registry office.

_______________________   __________________________
Scott Stewart, C.E.T.      Lee Ann Coveyduck
General Manager           General Manager
Public Works              Planning and Economic Development
Department

EXECUTIVE SUMMARY:
The Real Estate and Development Division has an executed offer of purchase from Dundurn Capital Inc. for a portion of the Jarvis Street road allowance, which was previously closed to vehicular traffic. In order for this transaction to be completed, the portion of the road allowance must be permanently closed to pedestrian traffic by by-law. As the subject lands are required to facilitate the redevelopment of the property at 283 King Street East, this Department supports the closure.

BACKGROUND:
The information/recommendation contained within this report primarily affects Ward 2.

Dundurn Capital Inc. has requested the Development and Real Estate Division to sell them a portion of the Jarvis Street road allowance, to facilitate the redevelopment of a property at 283 King Street East. On September 28, 2005, City Council approved item 5.1 of Report No. 05-019 of the Planning and Economic Development Committee, declaring the subject parcel surplus to the City’s needs. Approval of the sale to Dundurn Capital was received on November 28, 2005, subject to the sale being conditional upon the passing of the by-law to stop up and close the subject area to pedestrian traffic. Although, the road allowance was previously closed by by-law to vehicular traffic, approval is therefore being sought to close the subject area to pedestrian traffic.

As the subject lands are required to facilitate the redevelopment of the property at 283 King Street East, this Department supports the closure.

ANALYSIS/RATIONALE:
As the road is already closed to vehicular traffic, no environmental assessment is required.

ALTERNATIVES FOR CONSIDERATION:
The developer could be granted an encroachment agreement for the new façade. However by selling the lands the City will eliminate any future liability associated with the property.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

POLICIES AFFECTING PROPOSAL:
The Development and Real Estate Division circulated notice to declare the subject lands surplus and no objections were received.

RELEVANT CONSULTATION:
The Ward Councillor supports the proposal.

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 sale of the lands will allow redevelopment within an existing neighbourhood.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
The lands will be sold for $3,500 and the redevelopment of the property will increase 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
CITY OF HAMILTON
Part of MCP No. 8
(east of 283 King St. E.)
Planning and Economic Development
Department
REAL ESTATE SECTION

LEGEND

SUBJECT LAND
SCALE: NOT TO SCALE
DATE: 2006-05-09
REFERENCE FILE NO: PW06057/PED06153