SUBJECT: Permanent Closure and Sale of a Portion of Manor Avenue Road Allowance, Hamilton (PW08008) - (Ward 5)

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 Manor Avenue, near Dieppe Veteran’s Memorial Park;

(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 remnant parcel of the closed highway to the abutting owner at 1049 Beach Boulevard, 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
Acting General Manager
Public Works
EXECUTIVE SUMMARY:

The City intends to permanently close a portion of the road allowance of Manor Avenue in conjunction with development of the Dieppe Veterans’ Memorial Park. A portion of the closed lands will be used for parking purposes. (9 spaces as outlined in Report PW08008 as Appendix A). A remnant parcel will be retained by the City or sold to the owner of 1049 Beach Boulevard, should the Real Estate Section negotiate an offer to purchase. The lands will be transferred at fair market value, as determined by Real Estate staff. On July 8, 2003, the Committee of the Whole directed staff to proceed with the closure, following the completion of a Schedule B Class EA. As the EA has now been completed, this Department recommends that the road allowance be permanently closed.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 5.

On July 9, 2003, City Council approved COW Report 03-019, Item 12, which included PW Report PW03077 (Item 4.12) to Stop Up and Close and Sell a Portion of Manor Avenue near Dieppe Veterans’ Memorial Park. The road closure was subject to a Schedule B Class Environmental Assessment (EA). This Class EA was completed on June 27, 2005 and Option 4 was selected as the preferred planning solution. This report is supporting Option 4 as found in Alternatives for Consideration, by recommending the required legal transactions.

The City of Hamilton intends to permanently close a portion of the road allowance of Manor Avenue to develop a parking area at the Dieppe Veterans’ Memorial Park. This parking area will be asphalt paved with concrete curbs and a sidewalk from Beach Boulevard to the Lake Ontario/Hamilton Beach Trail. The parking lot will have 6 regular stalls plus 3 designated stalls for persons with disabilities. Funding for this project and other park improvements was included in the 2007 Capital Budget in the amount of $140,000. As per the direction of the Committee of the Whole on July 8, 2003, a Schedule B Class Environmental Assessment has been completed and the closure can now proceed. The closure will formalize parking on Manor Avenue and provide a safe access to the Dieppe Memorial Veterans’ Park for the public. As well, Real Estate staff will negotiate with the abutting owner at 1049 Beach Boulevard for the possible sale of a portion of the lands. As the Environmental Assessment has now been completed, this Department supports the closure of the road allowance.

ANALYSIS/RATIONALE:

A Schedule B, Class Environmental Assessment has been completed. This included a Notice of Study Commencement and a Public Information Centre.

ALTERNATIVES FOR CONSIDERATION:

The Class EA process included the consideration of four options:

1) Stop up, close Manor Avenue and sell portion of road allowance to abutting owners, with remaining portion added to the Dieppe Veteran’s Memorial Park for walkway and greenspace.
2) Maintain existing Manor Avenue road allowance.

3) Improve Manor Avenue road allowance to City Urban Standards with parking.

4) Stop up, close Manor Avenue and sell portion of road allowance to abutting owners, with remaining portion added to the Dieppe Veteran’s Memorial Park for on-site vehicular parking.

Option 4 is the preferred option.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The lands will be offered for sale to the abutting owner at an amount to be determined by the Real Estate Section. The 2003 Committee of the Whole Report recommended that the proceeds from this sale be applied to the capital cost of the parking lot construction and wall repairs.

POLICIES AFFECTING PROPOSAL:

The recommendation achieves compliance with the municipal act and is supported by the Public Works Strategic Plan objective to maintain services (i.e. infrastructure) that our communities connect with and trust.

RELEVANT CONSULTATION:

A Public Information Centre has been held. The Ward Councillor supports this 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 ☐ No
The closure of the road allowance will facilitate improvements to the Dieppe Veterans Memorial Park.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Six Additional trees will be planted on the buffer strip between the parking lot and adjacent residential property.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The City will receive the proceeds from the sale of a portion of the lands, an abutting homeowner as per Council Report PW03077, July 9, 2003.

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 PERMANENT CLOSURE
OF THE ROAD ALLOWANCE
OF MANOR AVENUE

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE

NOT TO SCALE

DATE

2008-01-29

REFERENCE FILE NO: PW08008
Plan showing Manor Avenue converted into a parking lot for Dieppe Veterans' Memorial Park