SUBJECT: Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007) - (Ward 9)

RECOMMENDATION:

(a) That the application to permanently close a portion of the road allowance of Old Mud Street (the highway), in the former City of Stoney Creek, now in the City of Hamilton, be approved.

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

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

(d) That the Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 and that the funds be used by the City for property purchases and sales.

(e) 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.

(f) 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.

(g) That should any archaeological assessments be required as a result of construction, all relevant legislation will be adhered to at the expense of the purchaser and be submitted to the Planning and Economic Development Department.
EXECUTIVE SUMMARY:
An application has been received to permanently close a portion of Old Mud Street in the former City of Stoney Creek. The closure limits would be from the east end of Valleyview Subdivision to the new Mud Street, east and west of Allanbrook Street. The lands are required to facilitate two new housing developments. Should the closure be approved, the Development and Real Estate Division advises that as the lands are within 250 metres of a registered archaeological site, a Stage 1 and 2 archaeological assessment should be undertaken prior to any soil disturbance. The Building and Licensing Division advises that a portion of the road is zoned Neighbourhood Development and must be rezoned to permit development. As the majority of neighbours support this request, this Department is in favour of the permanent closure and sale of this road allowance.

BACKGROUND:
The information/recommendations contained within this report primarily affect Ward 9.

A request has been received to permanently close a portion of Old Mud Street in the former City of Stoney Creek to facilitate TWO new housing developments. The proposed closure limits are from the east end of Valleyview Subdivision to the new Mud Street, east and west of Allanbrook Street.

Notice was circulated to all affected municipal departments and public utilities and the results are as follows:

The Development and Real Estate Division advises that as the lands are within 250 metres of a registered archaeological site, any archaeological assessments required should be undertaken by the purchaser at the expense of the purchaser. The Building and Licensing Division advises that a portion of the Road Zoned Neighbourhood Development must be rezoned to permit development.

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

Number Circulated: 79 In favour: 3 Opposed: 1 No comment: 75

The resident who is opposed was concerned about the possibility of the lands being closed and sold for commercial development. However, the proposed use of the land is single family homes.

As there were no objections received from staff or public utilities, this Department is in favour of the permanent closure and sale of the lands.

ANALYSIS/RATIONALE:
Notice was circulated to a 400’ radius of the neighbourhood and all affected municipal departments and public utilities.

ALTERNATIVES FOR CONSIDERATION:
The road allowance could remain open, however the City would not benefit financially from the sale of the lands at fair market value.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The applicant has paid the required user fee. The lands will be sold at fair market value, as determined by the Real Estate Division.

POLICIES AFFECTING PROPOSAL:

The lands must be permanently closed under the Municipal Act in order to be transferred. An Environmental Assessment is not required.

RELEVANT CONSULTATION:

Meetings have been held with the applicant and Planning and Economic Development and Public Works staff to ensure all relevant legislation is adhered to.

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 closing of the roadway will allow for additional housing which will enhance the development of the neighbourhood.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
The closing of the roadway will allow for additional residential units to be developed utilizing the existing infrastructure.

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:

PART OF OLD MUD STREET IN STONEY CREEK
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT ROAD

SCALE NOT TO SCALE DATE 2006-01-11
REFERENCE FILE NO: PW06007