THE FOLLOWING ITEM WAS REPORTED TO COUNCIL FOR CONSIDERATION:

1. Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, Hamilton (PW15003) - (Ward 2) (Deferred from the January 12, 2015 Public Works Committee Meeting) (Item 5.1)

(Jackson/Collins)
That a portion of the public assumed alleyway abutting 14 James Street North, Hamilton, running east/west from James Street North to the easterly limit of 14 James Street North, Hamilton (the Subject Lands), be permanently closed, as shown on Appendix “A” to Report PW15003, and sold to Core Urban Inc. or its nominee (“Core Urban”), subject to the following conditions;

(a) That Core Urban obtain legal title to lands and premises directly abutting the Subject Lands;

(b) That the Manager, Geomatics and Corridor Management, be authorized and directed to prepare and deposit a reference plan under the Registry Act showing the parts of the public assumed alley to be closed;

(c) That Core Urban agrees to enter into any right-of-way agreements for pedestrian access with abutting land owners;
(d) That the City Solicitor be authorized and directed to prepare the appropriate by-law to permanently closed the highway respecting the Subject Lands, and such other documents necessary to carry out the directions of Council, all in a form satisfactory to the City Solicitor;

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

(f) 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;

(g) 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;

(h) That the Public Works Department, by inclusion in this report, is providing sufficient notice of the City’s intent to convey the subject land pursuant to City of Hamilton By-law 14-204, being the Sale of Land Policy By-law;

(i) That the Real Estate Section, Economic Development Division, Planning and Economic Development Department, be authorized and directed to negotiate an Agreement of Purchase and Sale with the abutting owner, Core Urban, at the nominal consideration of $2.00, prior to the enactment and registration of a by-law to close the alley pursuant to Section 34 of the Municipal Act and subject to conditions (a),(b),(c),(d),(e),(f),(g) above. Said transfer of the alley shall not be completed until after a certified copy of the by-law permanently closing the alley is registered in the land registry office.

CARRIED

FOR THE INFORMATION OF THE COMMITTEE:

(a) APPROVAL OF THE AGENDA (Item 1)

(Collins/Ferguson)
That the Public Works Committee Agenda be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.
(c) PUBLIC HEARINGS/DELEGATIONS (Item 4)

Notice of this public meeting was advertised in the Hamilton Spectator on Friday January 23rd 2015. The notice advised that anyone whose lands are prejudicially affected may appear before the Committee.

The Chair asked if there were any members of the public in attendance who wished to speak to the matter. The following citizens came forward and were added to the agenda as 4.4 and 4.5 respectively, Irene Hubar of Aragon Properties Ltd., and Steve Kulakowsky of Core Urban Inc.

(i) Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, Hamilton (PW15003) - (Ward 2) (Deferred from the January 12, 2015 Public Works Committee Meeting) (Item 4.1)

(i) Scott Snider – Turkstra Mazza Associates, Lawyers on behalf of the DeSantis Group Inc, respecting concerns of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North (Item 4.1)

Mr. Snider provided the Committee Clerk with an updated letter respecting concerns surrounding the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, Item 4.1. A copy of the letter has been retained for the public record.

Mr. Snider of Turkstra Mazza Associates, Lawyers on behalf of the DeSantis Group Inc addressed the Committee respecting concerns about the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North.

On behalf of his clients the DeSantis Group, Mr. Snider expressed concerns that closing the portion of the public assumed alley abutting No. 12 and No. 14 James Street North may require his clients to provide greater maneuvering space for deliveries

(Collins/Jackson)
That the delegation from Scott Snider – Turkstra Mazza Associates, Lawyers on behalf of the DeSantis Group Inc, respecting concerns about the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, be received.

CARRIED
(ii) Curtis Murray – Hamilton Lincoln Towers Inc, respecting objections of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North (Item 4.2)

Mr. Murray – Hamilton Lincoln Towers Inc., was not in attendance.

(iii) Irene Hubar – Aragon Properties Ltd. Respecting objections of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North (Item 4.3)

(Duvall/Ferguson)
That the correspondence from Irene Hubar – Aragon Properties Ltd. Respecting objections of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, be received.

CARRIED

(iv) Irene Hubar – Aragon Properties Ltd. Respecting objections of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North (Added Item 4.4)

(Ferguson/Jackson)
That the request from Irene Hubar of Aragon Properties Ltd. to speak respecting concerns of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, be approved.

CARRIED

Ms. Hubar of Aragon Properties Ltd. addressed the Committee respecting concerns about the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North.

Ms. Hubar expressed concerns that future plans by the DeSantis Group on the portion of the public assumed alley would make it difficult to receive deliveries and to provide garbage pickup to the surrounding businesses.

(Jackson/Collins)
That the presentation by Irene Hubar of Aragon Properties Ltd. respecting concerns about the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, be received.

CARRIED
(v) Steve Kulakowsky – Core Urban Inc. respecting the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North (Added item 4.5)

(Collins/Jackson)
That the request from Steve Kulakowsky – Core Urban Inc. to speak respecting concerns of the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, be approved.

CARRIED

Mr. Kulakowsky of Core Urban Inc. addressed the Committee respecting the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North.

Mr. Kulakowsky advised that the intent of the closure would not affect the overhang of the surrounding properties.

(Jackson/Collins)
That the presentation by Steve Kulakowsky – Core Urban Inc. respecting the Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North, be received.

CARRIED

(d) DISCUSSION ITEM

5.1 Permanent Closure of a Portion of Public Assumed Alley Abutting No. 12 and 14 James Street North (PW150003) (Ward 2).

For disposition on this matter, refer to Item 1.

(e) ADJOURNMENT (Item 13)

(Collins/Jackson)
That there being no further business, the Public Works Committee be adjourned at 10:10 a.m.

CARRIED

Respectfully submitted,
Councillor S. Merulla, Chair
Public Works Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk