SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Assumed Alleyway Abutting 112 King Street East, Hamilton (PW06069) - (Ward 2)

RECOMMENDATION:
That the application of Grand Connaught Development Group Inc. to permanently close and purchase a portion of the public assumed alley running east/west at the rear of the property known as 112 King Street East, Hamilton, be approved, subject to the following conditions:

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

(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 sell the closed highway to the applicant at fair market value and 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.

Scott Stewart, C.E.T.
General Manager
Public Works
EXECUTIVE SUMMARY:

Grand Connaught Development Group Inc. has requested to permanently close and purchase a portion of the public assumed alley running east/west at the rear of 112 King Street East. The alley will be incorporated into the redevelopment of the former Royal Connaught Hotel. At the request of the owner of 19 John Street South, at the west end of the alley, the portion abutting that property will remain open. As no objections have been received from any municipal departments, public utilities or the public, this Department supports the request.

BACKGROUND:

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

An application has been received from Grand Connaught Development Group Inc. to permanently close and purchase a portion of public assumed alley at the rear of 112 King Street East. The alley will be incorporated into a condominium and hotel development at the site of the former Royal Connaught Hotel.

Notice of the proposal was circulated to municipal departments and public utilities and no negative responses were received.

Notice of the proposed closure was circulated to property owners within a 400’ radius of the alley and the results are as follows:

Number Circulated: 44
In favour: 1   Opposed: 0   No response: 43

The owner of 19 John Street South, at the west end of the alley, was initially opposed to the closure as they use the portion of alley abutting the property on a regular basis. As the applicant has agreed to leave that section of alley open, the opposition has been withdrawn.

As there were no negative responses to the closure received, this Department supports the request to permanently close and sell the alley.

ANALYSIS/RATIONALE:

Notice of the proposed closure was circulated to a 400’ radius of the neighbourhood, municipal departments and public utilities for comment. There was no environmental assessment required for this closure.

ALTERNATIVES FOR CONSIDERATION:

The alley could remain open however the City would lose the revenue from the sale of the lands and associated increase to the tax base.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City will receive the proceeds from the sale of the lands at fair market value, as determined by the Real Estate Division, to be deposited to the account for future land purchases.
POLICIES AFFECTING PROPOSAL:

The lands must be closed by By-law as per the Municipal Act before they can be sold.

RELEVANT CONSULTATION:

Several discussions have taken place between staff and the applicant and the owner of 19 John Street South. As a result of that communication, the applicant has agreed to leave the portion of alley abutting 19 John Street South open. The Ward Councillor has been notified and supports the recommendation.

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 alley will be incorporated into the redevelopment of a hotel and condominium project in the downtown core.

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 to be used for future land purchases.

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