SUBJECT: Springbrook Meadows Subdivision Phase 1 - Proposed Permanent Closure of Blocks 23, 25, and 27 established by Plan 62M-1112 (PW09053/PED09158) - (Ward 12)

RECOMMENDATION:

(a) That the application to permanently close a portion of the road allowance being Blocks 23, 25 & 27, established by Plan 62M-1112 be approved;

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

(c) That the draft bill attached as Appendix A to Report PW09053/PED09158 be introduced, read, and passed by Council;

(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 Titles 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 Titles Office.
EXECUTIVE SUMMARY:
A request has been received to permanently close a portion of the road allowance being Blocks 23, 25 & 27 established by Plan 62M-1112. The lands in question were dedicated as a public highway for the purpose of a temporary turning circle at the south end of Oleary Drive. The City entered into a Subdivision Agreement in February 2008 that stipulates that these lands be permanently closed and transferred back to the Developer when the City no longer requires them for road purposes. The subject lands are no longer required by the City as Oleary Drive has been extended and a temporary turnaround is no longer required. The lands are proposed to be closed and transferred to the Developer as provided for in the Subdivision Agreement. As the lands are no longer required by the City and the Developer, who remains the abutting land owner, will assume responsibility for the lands, staff supports this proposal.

BACKGROUND:
The information/recommendations contained within the report primarily affect Ward 12. The City is contractually obligated to permanently close Blocks 23, 25 & 27 established by Plan 62M-1112 pursuant to the Subdivision Agreement between the City and Adisco Limited & 839891 Ontario Inc (“Owner”) pertaining to the Springbrook Meadows Subdivision. The Planning and Economic Development Department has made a request to have Blocks 23, 25 & 27 established by Plan 62M-1112 closed and transferred to the Developer. The subject lands are no longer required by the City as Oleary Drive has been extended and a temporary turnaround is no longer required.

Notice was circulated to all affected City departments and utilities and no negative comments were received. The proposed closure has been advertised to the public as required under the Municipal Act. No environmental assessment is required in this instance.

As the lands are no longer required by the City and the Developer, who remains the abutting land owner, will assume responsibility for the lands, staff supports this proposal.

ANALYSIS/RATIONALE:
Notice was circulated to all affected municipal departments and the public utilities. The public has been notified, as required under the Municipal Act, through an ad in the Hamilton Spectator.

ALTERNATIVES FOR CONSIDERATION:
As the City is contractually obligated to permanently close Blocks 23, 25 & 27 established by Plan 62M-1112 pursuant to the Subdivision Agreement between the City and Adisco Limited & 839891 Ontario Inc (“Owner”) pertaining to the Springbrook Meadows Subdivision, there are no alternatives for consideration.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The lands will be transferred to the abutting owners for a nominal fee.
POLICIES AFFECTING PROPOSAL:

The lands must be permanently closed under the Municipal Act before they can be transferred. In addition, the recommendation is supported by the Public Works Strategic Plan objective to maintain services (i.e. infrastructure) that our communities connect with and trust and the City of Hamilton’s Corporate Strategic Plan in that we are delivering municipal services and capital assets / liabilities in a sustainable, innovative and cost effective manner.

RELEVANT CONSULTATION:

The Planning and Economic Development Department has recommended this plan of action in the interest of moving the project forward. The Ward Councillor has been circulated to 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 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
BY-LAW NO. 09-

Being a By-law to Permanently Close a Portion of Road Allowance, being Blocks 23, 25 and 27, established by Registered Plan 62M-1112, Town of Ancaster, now City of Hamilton

WHEREAS the Council of the City of Hamilton is empowered under Sections 10(2) and 34 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, to permanently close any highway or part of a highway;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

AND WHEREAS notice of the City’s intention to pass this By-law has been published pursuant to the Municipal Act, 2001, S.O. 2001, c.25 as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the part of the road allowance, set out as:

   Blocks 23, 25 and 27, established by Registered Plan 62M-1112, Town of Ancaster, now City of Hamilton

   is hereby permanently closed.

2. That the soil and freehold of Blocks 23, 25 and 27, Plan 62M-1112, hereby permanently closed, be transferred to Adisco Limited.

PASSED AND ENACTED on this 27th day of May, 2009.

____________________________   _____________________________
Fred Eisenberger     Kevin C. Christenson
Mayor                    City Clerk