To: Chair and Members  
Public Works Committee  
Outstanding Business Item and Issue: 127 and 129 Simcoe Street East and 400 and 402 Mary Street  
(PW06072b)

From: Scott Stewart, C.E.T.  
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Date: September 15, 2008

Re: Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 127 and 129 Simcoe Street East and 400 and 402 Mary Street, Hamilton (Ward 2)

Council Direction:

At the May 26, 2008 Public Works Committee Meeting, the report recommending the closure and sale of a portion of public unassumed alley abutting 127 and 129 Simcoe Street East and 400 and 402 Mary Street, Hamilton be tabled to allow for further communication with the affected parties and to update the map for the closure location.

Information:

At the June 5, 2006 Public Works, Infrastructure and Environment Committee, a report was approved to permanently close a portion of public unassumed alley between 127 and 129 Simcoe Street East and 404-414 Mary Street. However, the report did not reference the section of alley at the rear of 400 and 402 Mary Street as one owner was opposed and one did not respond. The result of this meeting was to close the alley between Simcoe Street East and Ferrie Street East behind 404-414 Mary Street only.

At the Public Works Committee meeting of May 26, 2008, the item was heard to close the remainder of the alley. As the map which was circulated did not accurately identify the proposed closure area, the item was tabled. The map illustrating the subject alley property has been revised and provided to the owners of the abutting properties along with a request for confirmation of their comment to the proposed closure and their interest in purchasing their portion of the alley. The results are as follows:

Closure of the Alley

In favour: 3  
Opposed: 1

An earlier notice received from 400 Mary Street opposes the closure as there is a garage in the back yard that faces the alley. Although the owner will not have access to the rear
of his garage if the alley is closed, this property has access to the home with parking on Mary Street which ensures the owner will not be landlocked.

Interested in Purchase of Abutting Portion of Alley

Accepted: 3    Declined: 1

The owner of 400 Mary Street has requested to purchase the entire width of alley abutting his property. However, as current City policy is to offer half of the alley to each side, 400 Mary Street will purchase half of the alley and 129 Simcoe Street will purchase the other half.

As seen below, the recommended split of the alley is that half of the alley will be purchased by 402 Mary Street behind the existing property line, half will be purchased by 400 Mary Street behind the existing property line, half will be purchased by 129 Simcoe Street East where it meets 400 and 402 Mary Street and the whole alley portion between 127 and 129 Simcoe Street East will be purchased by 129 Simcoe Street East.

As the abutting owners have been notified of the proposed closure and sale on several occasions and have had adequate opportunity to express an interest in purchasing the lands, this Department supports the closure and sale of the subject alley to the interested parties.

An alternative for consideration is that the alley remain open, noting that the remainder of the alley has been sold previously.

As closing the remainder of the public unassumed alley will put a stop to illegal dumping in the area and the majority of the residents abutting the alley are in favour of the closure, this Department supports the application.

Scott Stewart, C.E.T.
General Manager
Public Works
KEY MAP

127 & 129 SIMCOE ST

LOCATION PLAN

PROPOSED CLOSURE ALLEYWAY
BETWEEN 127 & 129 SIMCOE STREET EAST BEHIND 400 & 402 MARY STREET
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2008-10-15

REFERENCE FILE NO. PW06072b