That the application of The Cadillac Fairview Corporation Limited to permanently close and purchase a portion of the road allowance of Limeridge Road East, Hamilton, as shown on Appendix A, attached to Report PW12071, 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 Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway to The Cadillac Fairview Corporation Limited in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 at fair market value;

(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, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;

(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;
(f) That the Public Works Department publish a notice pursuant of the City’s intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

**EXECUTIVE SUMMARY**

The Cadillac Fairview Corporation Limited, owner of Limeridge Mall, has proposed to permanently close and purchase a remnant parcel of land between Limeridge Mall and the Lincoln Alexander Parkway. The applicant is the owner of all lands abutting the subject lands and proposes to merge all lands into one larger parcel for future development. As there were no negative comments received, staff is not opposed to the permanent closure and sale of a portion of the road allowance of Limeridge Road East, Hamilton to The Cadillac Fairview Corporation Limited be approved.

**Alternatives for Consideration - See Page 3**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** The lands will be transferred to The Cadillac Fairview Corporation Limited at fair market value, as determined by the Economic Development and Real Estate Division.

**Staffing:** An agreement to purchase the subject lands will be negotiated by the Economic Development and Real Estate Division.

**Legal:** The City Solicitor will prepare the by-law to permanently close the subject lands and will register this by-law in the Registry Office once Council has approved it. The City Solicitor will complete the transfer of the subject lands to The Cadillac Fairview Corporation Limited pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Economic Development and Real Estate Division.

**HISTORICAL BACKGROUND**

The construction of the Lincoln Alexander Parkway resulted in the closure of portions of Limeridge Road resulting in a remnant parcel of land remaining between the Lincoln Alexander Parkway and Limeridge Mall. The Cadillac Fairview Corporation Limited, owner of Limeridge Mall and all lands abutting the subject lands, has proposed to permanently close and purchase the lands with the intent to merge all lands into one parcel for future development.

**POLICY IMPLICATIONS**

A by-law must be passed to permanently close the lands in accordance with the Municipal Act, 2001.
The closure and sale of the lands supports the Strategic Plan objectives of enhancing overall sustainability and implementing processes to improve effectiveness and efficiency.

**RELEVANT CONSULTATION**

As part of the procedure to close a road a notice of any proposed road closure is sent to all property owners within a 400 foot (121.9 metre) distance of the subject lands as shown on Appendix B, attached to Report PW12071. In this instance, all 3 abutting properties are owned by The Cadillac Fairview Corporation Limited and there is no opposition to the proposal.

The following City staff were consulted on this application:

- Planning and Economic Development Department: Development Engineering, Building Services, Economic Development and Real Estate and Planning
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance Division
- Ward Councillor

The Environment and Sustainable Infrastructure Division will require an easement for maintenance and repair of the City infrastructure within the closure limits. Staff had also suggested a cul-de-sac bulb be constructed at the termination point of Limeridge Road East to ensure that traffic could turnaround without backing onto the road. However, the applicant has agreed to keep the right-of-way open for vehicular access thereby providing an acceptable alternative. As well, the applicant has agreed to maintain the existing pedestrian and cycling paths to ensure public connectivity.

Public Utilities including Bell, Hydro One, Horizon Utilities and Union Gas were notified of the proposed closure and sale. Horizon Utilities will require easement protection.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

As there were no negative comments received and as The Cadillac Fairview Corporation Limited will adhere to all conditions required by the City and public utilities, Operations and Waste Management staff does not oppose the permanent closure and sale of the lands.

**ALTERNATIVES FOR CONSIDERATION**

An alternative to the recommended permanent closure and sale is that the subject lands could remain open. However, the construction of the Lincoln Alexander Parkway has
rendered the road allowance redundant and the City would not receive the revenue from the sale of the lands at fair market value. As such, it is appropriate for this remnant road allowance to be closed and sold to the applicant.

**CORPORATE STRATEGIC PLAN**


**Healthy Community**

- Plan and manage the built environment

**APPENDICES / SCHEDULES**

Appendix A - Aerial Drawing
Appendix B - Location Plan
Sketch of Proposed Road Closure
Limeridge Road, Hamilton

Lincoln M. Alexander Parkway

Right-Of-Way

SCALE 1:500
08-05-2012
Sketch By: MM

Public Works Department
Surveys & Technical Services
Hamilton
LOCATION PLAN

PROPOSED CLOSURE OF

LIMERIDGE ROAD

LEGEND

SUBJECT LANDS

DATE: June 6, 2012

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

REFERENCE FILE NO: PW12__

Not to Scale