SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance of Parkdale Avenue North, Hamilton (PW09093) - (Ward 4)

RECOMMENDATION:

That the application of Triple M Metal LP, located at 799 Parkdale Avenue North, Hamilton, to permanently close and purchase a portion of the abutting Parkdale Avenue North road allowance, be approved, subject to the following conditions:

(a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close a portion of the road allowance of Parkdale Avenue North, Hamilton;

(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 negotiate the sale of the lands, 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;

(f) That the applicant enter into easement agreements with the City for the existing watermain, storm and sanitary sewer over Parts 4, 5, 6, 9, 13, 14, 15, 18, 19 and 20 on Plan 62R-16502 and for the existing open channel;
(g) That the Public Works Department publish a notice pursuant to Section 34 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, of the City’s intention to pass the by-law.

Gerry Davis, CMA
General Manager
Public Works Department

EXECUTIVE SUMMARY:

An application was received from Triple M Metal LP, owner of 799 Parkdale Avenue North, Hamilton, to permanently close and purchase a portion of the road allowance abutting the property. The applicant has cited traffic and security issues in the area as the reason for the request. As any objections to the proposal have been resolved and as appropriate easements will be provided to the City and public utilities, this Department supports the request.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 4. The owner of 799 Parkdale Avenue North, Hamilton, has made application to permanently close and purchase a portion of the road allowance abutting the property. As the property is currently easily accessible to the general public, the applicant has cited a history of traffic and security issues as the reason for the application.

Notice of the proposed closure and sale has been circulated to a 400’ radius of the neighbourhood and the results are as follows:

Number Circulated: 12
In favour: 2  Opposed: 0  No response: 10

The owner of an abutting property at 800 Parkdale Avenue North has signed a statement provided by the applicant attesting to their approval of the proposal. Should the road allowance closure be approved, any agreements regarding access would be private. As the lands are zoned “K” and are non residential, frontage is not required as a right-of-way agreement has been granted.

Municipal departments were advised of the proposal and although Development Engineering was initially opposed to the closure, the applicant will provide easements for the existing watermain, storm and sanitary sewer over Parts 4, 5, 6, 9, 13, 14, 15, 18, 19 and 20 on Plan 62R-16502. A 10m working platform along the top of bank along both sides will also be provided over the existing open channel.

Public Utilities were notified of the proposal and although no negative comments were received, Bell and Horizon Utilities will require appropriate easement protection.
As any concerns regarding the closure have been resolved through required agreements, this Department supports the closure of the lands and transfer at fair market value to the applicant.

**ANALYSIS/RATIONALE:**

The closure and sale will benefit the property owner by eliminating their concerns, while having no negative impact on the City or abutting owners. Therefore, this Department supports the application.

**ALTERNATIVES FOR CONSIDERATION:**

The road could remain open; however, it would not resolve the issues of traffic and security with which the applicant has ongoing concerns.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The applicant has paid the appropriate user fee. The City will receive the proceeds from the sale of the lands to the abutting owner at fair market value, as determined by the Real Estate Section, Planning and Economic Development Department. These monies will be deposited into the Real Estate account for future land purchases.

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 applicants pursuant to an agreement of purchase and sale or Offer to Purchase as negotiated by the Real Estate Section.

**POLICIES AFFECTING PROPOSAL:**

The lands must be closed by by-law under the Municipal Act before they can be transferred. As the closure and sale will benefit the property owner and relieve the City of responsibility for the road allowance, the transaction will fulfil the Public Works Business Plan requirement of developing “mutually beneficial charters with external customers”.

The closure and sale will fulfil the City of Hamilton Strategic Plan requirement of delivering municipal services and managing capital assets in a sustainable, innovative and cost effective manner.

**RELEVANT CONSULTATION:**

Notices were circulated to:

- 400’ radius of the neighbourhood.
- Public utilities: Horizon Utilities, Union Gas, Bell Canada and Hydro One
- Municipal Departments: Planning and Economic Development, Public Works
- Office of the Mayor

The Ward 4 Councillor supports the closure and sale of the road allowance.
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

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
SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance of Parkdale Avenue North, Hamilton
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LOCATION PLAN

PROPOSED CLOSURE OF PORTION OF PARKDALE AVENUE NORTH AT
799 PARKDALE AVE N
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE NOT TO SCALE
DATE 2010-02-23

REFERENCE FILE NO: PW09093