SUBJECT: Proposed Permanent Closure of a Portion of Unopened Road Allowance of Webster Street, Dundas (PW06020/PED06046) - (Ward 14)

RECOMMENDATION:

(a) That the application to permanently close a portion of unopened road allowance known as Webster Street, in the former Town of Dundas, now in the City of Hamilton, be approved.

(b) That the appropriate by-law be introduced and enacted by Council.

EXECUTIVE SUMMARY:

An application has been received from 1502732 Ontario Ltd., operating as Neven Custom Homes, to permanently close a portion of the unopened road allowance of Webster Street, in the former Town of Dundas. This closure will help facilitate new
home development. The Planning and Economic Development Department recommends that the road allowance be conveyed to the sub-divider for a nominal fee of $1. The sub-divider agreed in the Subdivision Agreement for Webster’s Estates to reconstruct the existing section of Sun Avenue. This reconstruction was completed in 2004. As the abutting owners on either side of the road allowance have signed agreements assigning their rights to purchase their half of the road allowance to 1502732 Ontario Ltd., this Department is in favour of the request.

**BACKGROUND:**

The information/recommendations contained within this report primarily affects Ward 14. An application has been received from 1502732 Ontario Ltd., operating as Neven Custom Homes, to permanently close a portion of an unopened road allowance of Webster Street, in the former Town of Dundas. The Planning and Economic Development Department recommends that the road allowance be conveyed to the sub-divider for a nominal fee of $1. In return, the sub-divider agreed in the Subdivision Agreement for Webster’s Estates, to reconstruct the existing section of Sun Avenue. The total cost for the reconstruction was approximately $60,000 and was completed in 2004.

Notice was circulated to all affected municipal departments and utilities and no negative comments were received. The proposed closure has been advertised as required under the Municipal Act. Unopened road allowance closures are not subject to Environmental Assessments.

As the abutting owners on either side of the road allowance have signed agreements assigning their rights to purchase their half of the road allowance to 1502732 Ontario Ltd., this Department is in favour of the request.

**ANALYSIS/RATIONALE:**

Signed agreements from abutting owners to transfer their portions of the subject lands have been received.

**ALTERNATIVES FOR CONSIDERATION:**

N/A

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The road allowance will be conveyed to the sub-divider for $1, based on an agreement that the sub-divider reconstruct the existing section of Sun Avenue. The City contributed $15,000 to offset the approximately $60,000 cost of reconstructing Sun Avenue. The application fees have been paid.

**POLICIES AFFECTING PROPOSAL:**

The lands must be permanently closed under the Municipal Act before they can be transferred.
RELEVANT CONSULTATION:
Consultation with the Ward Councillor was undertaken as part of the decision on the proposal to swap the road allowance conveyance for the Developer agreeing to reconstruct Sun Avenue at no cost to the municipality.
Notice was circulated to all affected municipal Departments and public utilities and no negatives comments were received.
The Planning and Economic Development Department has recommended this plan of action in the interest of moving the project forward.

CITY STRATEGIC COMMITMENT:
By evaluating the “Triple Bottom Line”, (community, environment, and 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 closure will allow residential development in the rapidly expanding former Town of Dundas.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
The addition of residential units will increase the City’s tax base.

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
LOCATION PLAN

PROPOSED ROAD ALLOWANCE CLOSURE: PORTION OF UNOPENED WEBSTER STREET

CITY OF HAMILTON PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT ROAD

SCALE NOT TO SCALE DATE 2006-02-01

REFERENCE FILE NO: PW06020/PED06046