SUBJECT: Proposed Permanent Closure of a Portion of Unopened Road Allowance of Beach Boulevard, Stoney Creek (PW05135) - (Ward 10)

RECOMMENDATION:
That the portion of Beach Boulevard road allowance known as Parts 4 and 5, on Registered Plan 862, and the portion of road allowance to the west of said Parts, terminating at Deerhurst Road, in the former City of Stoney Creek, be permanently closed and sold, subject to the following conditions:

(a) That the application to permanently close a portion of the road allowance of Beach Boulevard (the highway), known as Parts 4 and 5 on Registered Plan 862 and the portion of road allowance to the west of said Parts, terminating at Deerhurst Road, in the former City of Stoney Creek, be approved.

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

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

(d) That the Real Estate Section, Planning and Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299.

(e) 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.

(f) 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.

Scott Stewart, C.E.T.
General Manager
Public Works
EXECUTIVE SUMMARY:

Kargo Properties Inc. has made an application to permanently close and purchase a portion of road allowance of Beach Boulevard, known as Parts 4 and 5, on Registered Plan 862. The lands are required to provide parking for a Kargo development at the previously closed lands north of 367 Highway 8. From the limits of Parts 4 and 5 to Deerhurst Avenue is another unopened road allowance which the City of Hamilton Real Estate Division is requesting to permanently close and offer for sale to the public. This will allow the entire parcel to be permanently closed with no remnant sections remaining. As Parts 4 and 5 are required in conjunction with a previous development and as disposing of the rest of the road allowance will relieve the City of a remnant parcel, this Department supports both requests.

BACKGROUND:

That the information/recommendations contained within this report primarily affect Ward 10.

An application has been submitted by Kargo Properties Inc. to permanently close and purchase a portion of road allowance of Beach Boulevard, known as Parts 4 and 5 on Registered Plan 862. The lands are required to provide parking for a Kargo development at the previously closed lands north of 367 Highway 8.

To the west of Parts 4 and 5 to Deerhurst Avenue is another portion of unopened road allowance which the City of Hamilton Real Estate Division is requesting to permanently close and sell at the same time. This will allow the entire parcel to be permanently closed and sold with no remnant sections remaining.

Notice of the proposed closures has been sent to a 400’ radius of the neighbourhood and the results are as follows:

Notices circulated: 55: In favour: 0 Opposed: 3 No comment: 52

Those opposed did not state a reason for their opposition. An abutting property owner has indicated an interest in purchasing a portion of the lands should the closure request be successful.

Notice was circulated to municipal departments and public utilities and the results are as follows:

Water and Wastewater advises that an easement will be required for the existing 900mm storm sewer within the closure area.

As the closure is necessary to provide parking for the development at 367 Highway 8, and as closing the entire section will eliminate any remnant parcels remaining, this Department is in favour of the permanent closure and sale of the lands.
ANALYSIS/RATIONALE:
Notice was circulated to a 400’ radius of the neighbourhood and to municipal departments and public utilities for comment. An environmental assessment was not required.

ALTERNATIVES FOR CONSIDERATION:
Alternatively, the lands could remain open. This would not allow the required parking for the development north of 367 Highway 8 nor would it allow the City to generate revenue from the sale of the lands.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The required user fees have been paid by the applicants. Parts 4 and 5 will be transferred to Kargo Properties Inc. at fair market value, as determined by the City's Real Estate Division, to provide parking for their abutting development. The remaining parcel will be sold at fair market value to the successful applicant in accordance with the policies of the Real Estate Division.

POLICIES AFFECTING PROPOSAL:
The lands must be permanently closed under the Municipal Act before they can be transferred.

RELEVANT CONSULTATION:
The Ward Councillor supports the closures. Internal departments and utility companies were circulated. Also, meetings have been held with Planning and Development, Real Estate Section and the applicant on several occasions.

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
Improves land use efficiency within the urban area.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

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 CLOSURE:
PORTION OF ROAD
ALLOWANCE OF BEACH BLVD.
IN
STONEY CREEK
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

SCALE
DATE

NOT TO SCALE
2005-11-29

REFERENCE FILE NO: PW05135