SUBJECT: Permanent Closure of Walkway between 72 and 73 Glenview Place, Hamilton (PW06090/PED06221) - (Ward 8)

RECOMMENDATION:
That the application of 1639142 Ontario Inc. to permanently close the public walkway between 72 and 73 Glenview Place, Hamilton and transfer the lands to the abutting owners, be approved, subject to the following conditions:

(a) That the City Solicitor be authorized and direct to prepare a By-law to permanently close the walkway.

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

(c) That the Development & Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the closed walkway to the owners of 72 and 73 Glenview Place, 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 walkway in the proper Land Registry Office.
SUBJECT: Permanent Closure of Walkway Between 72 and 73 Glenview Place, Hamilton (PW06090/PED06221) - (Ward 8) - Page 2 of 3

(e) That the By-law permanently closing the walkway not take effect until a certified copy of the By-law is registered in the proper Land Registry Office.

Scott Stewart, C.E.T.                         Lee Ann Coveyduck
General Manager                             General Manager
Public Works                                 Planning and Economic
                                             Development Department

EXECUTIVE SUMMARY:

An application was submitted by 1639142 Ontario Inc. to permanently close the public walkway between 72 and 73 Glenview Place in Hamilton. The walkway closure will satisfy part of the draft plan conditions for the Duncairn Forest subdivision. Therefore, at the meeting of March 9, 2005, Council directed the Public Works Department to undertake to close this walkway and transfer the lands to the adjacent owners. Although there were some objections from the neighbourhood received, the walkway must be closed to satisfy the draft plan conditions. Therefore, this Department supports the closure request.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 8.

An application has been received from 1639142 Ontario Inc. to permanently close the public walkway between 72 and 73 Glenview Place in Hamilton. The walkway closure is required to satisfy part of the draft plan conditions for the Duncairn Forest subdivision. Council directed the Public Works Department at the meeting of March 9, 2005, to proceed with the closure of this walkway. The lands will then be transferred to the adjacent owners.

Following Council direction to close the walkway, notice was circulated to a 400’ radius of the neighbourhood and the results are as follows:

Number of Notices Circulated: 93

In Favour: 2                Opposed: 5                No Comment: 86

One of those who is opposed is an abutting owner and states that the walkway is used by the neighbourhood and is a convenient short cut. The others opposed also enjoyed using the walkway and felt that the decision to close it was already made and that their comments would not matter anyway.

Notice was circulated to public utilities and municipal departments and no negative comments were received.
ANALYSIS/RATIONALE:
Notices were sent to a 400’ radius of the neighbourhood and to municipal departments and public utilities for comment.

ALTERNATIVES FOR CONSIDERATION:
Leaving the walkway open is not an option as it would lead to a dead end. Further, closure of the walkway is a condition of draft plan of subdivision approval and, as such, if the walkway is not closed the conditions would not be satisfied.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The applicant has paid the user fee and will be responsible for all costs associated with the physical removal of the walkway. The two abutting owners will purchase half of the walkway each for one dollar, as is City policy for walkways abutting residential properties.

POLICIES AFFECTING PROPOSAL:
The lands must be closed by By-law under the Municipal Act before they can be transferred.

RELEVANT CONSULTATION:
The Ward Councillor supports this application as the walkway will not lead anywhere when the new subdivision is developed.

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
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
PROPOSED CLOSURE:
WALKWAY
BETWEEN 72 & 73 GLENVIEW PL.
IN GOURLEY, HAMILTON
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

- SUBJECT LAND

SCALE NOT TO SCALE
DATE 2006-07-06
REFERENCE FILE NO: PW06090/PED06221