MOVED BY COUNCILLOR......JACKSON.................................................................

SECONDED BY COUNCILLOR...........................................................................

Sale of Part of Part 4 on Plan 62R-11271 – Rear of 1525 Stone Church Road East, Hamilton, more particularly described as Part 1 on Plan 62R-16351 to the Muslim Association of Hamilton

WHEREAS Section 268 of the Municipal Act requires municipalities to enact a By-law pursuant to and in accordance with the requirements of Section 268 and the Regulations prescribed thereunder by the Province, to establish procedures for the sale of real property owned by the municipality and a public register of the real property owned by the municipality;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall by By-law or resolution declare the lands to be surplus;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

AND WHEREAS City Council on December 11, 2002 in adopting Item 14 of Committee of the Whole Report 02-042 declared part of Part 4 on Plan 62R-11271, the lands located at the rear of 1525 Stone Church Road East, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-16351 to be surplus to the needs of the City of Hamilton;

AND WHEREAS the Muslim Association of Hamilton, a non-profit religious organization, has requested the opportunity to acquire part of Part 4 on Plan 62R-11271, the lands located at the rear of 1525 Stone Church Road East, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-16351, for a nominal fee of $4,000;
AND WHEREAS the deemed offer price of $4,000 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject’s fair market value estimated at $40,000 for the 2,185.0 square metre (23,520.0 square feet) parcel of vacant industrial land;

AND WHEREAS the lands known as part of Part 4 on Plan 62R-11271, the lands being located at the rear of 1525 Stone Church Road East, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-16351 are required for additional parking spaces and emergency access resulting from the building expansion of the Muslim Temple and School at 1545 Stone Church Road East.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

(a) That the Real Estate Section be directed to dispose of part of Part 4 on Plan 62R-11271, the lands located at the rear of 1525 Stone Church Road East, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-16351 to the Muslim Association of Hamilton for a fee of $4,000;

(b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of part of Part 4 on Plan 62R-11271, the lands located at the rear of 1525 Stone Church Road East, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-16351 to the Muslim Association of Hamilton for a fee of $4,000 and that the net proceeds of the sale be credited to Account 47702 4060087001 (Redhill Valley Parkway Project);

(c) That the Real Estate Section be directed to ensure that the Real Property of the City shall not be sold until after Notice to the Public of the intended sale has been given in accordance with By-law number 04-299 "Procedural By-law for the Sale of Lands";

(d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act;

(e) That City Solicitor be authorized and directed to complete this real estate transaction on the terms and conditions set out herein and that any legal expenses or disbursements be charged to Account 59259 4060087001 (Redhill Valley Parkway Project);

(e) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor;

(f) That as a condition of the sale that the purchaser be required to provide a site-grading plan to ensure that any local drainage issues on the subject lands are mitigated and that the lands be required to be adequately fenced.