SUBJECT: Expropriation of Land for Seabreeze Park, Trillium Neighbourhood (PW07104) - (Ward 11)

RECOMMENDATION:

(a) That the City Solicitor be authorized and directed to proceed with the necessary steps to expropriate 0.986 Hectares (2.438 acres) more or less of the vacant lands, having a frontage of 120 metres (393.7 feet) more or less along the southern limit of Seabreeze Crescent in the former City of Stoney Creek, now in the City of Hamilton (as shown on Appendix A attached to Report PW07104) for municipal parkland and ancillary uses located at:

<table>
<thead>
<tr>
<th>Municipal Address</th>
<th>Owner</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>67-85 Seabreeze Cres. Ward 11 (Former City of Stoney Creek)</td>
<td>Christian A. Beier</td>
<td>Lots 14, 15 and Part of Lot 16, Registered Plan No. 635, Part of Lot 9, Broken Front Conc., Saltfleet Township, Part of PIN #17362-0562 (LT)</td>
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</tbody>
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(b) That the City Solicitor or his agent prepare, and the City Clerk sign, an Application for Approval to Expropriate by the City of Hamilton the lands known as Lots 14, 15 and Part of Lot 16, Registered Plan No. 635, Part of Lot 9, Broken Front Concession, Saltfleet Township, Part of PIN #17362-0562 (LT), for the purposes of municipal parkland and ancillary uses;

(c) That the Application by the City of Hamilton, signed by the City Clerk to expropriate the lands known as Lots 14, 15 and Part of Lot 16, Registered Plan No. 635, Part of Lot 9, Broken Front Concession, Saltfleet Township, Part of PIN #17362-0562 (LT), be authorized and that the said Application be hereby received and that the City Solicitor be authorized and directed to cause the necessary Notices in this Application to be served on the registered owners of the lands affected and for advertisement of the said Notice of Expropriation to be placed in a local newspaper for three (3) consecutive weeks;
(d) That the City Solicitor be authorized and directed to forward to the Chief Inquiry Officer any Request for Hearings received and to report to City Council such information;

(e) That, in the event no requests for Hearings are received, the General Manager of Public Works be authorized to introduce the appropriate Expropriation By-Law to City Council;

(f) That the Manager of Real Estate, Planning and Economic Development Department be authorized to obtain external Appraisals of the subject lands, if and when necessary, to form the basis of compensation to be offered by the City and that the Manager of Real Estate, if and when necessary, be authorized and directed to negotiate compensation with the owner of the expropriated lands on the basis of the appraisal report;

(g) That the Manager, Survey/Technical Services, be authorized and directed to prepare a Survey Plan of the lands known as Lots 14, 15 and Part of Lot 16, Registered Plan No. 635, Part of Lot 9, Broken Front Concession, Saltfleet Township, Part of PIN #17362-0562 (LT) and to deposit the plan of survey in the Land Registry Office;

(h) That all costs of the expropriation be charged to Capital Budget Item Project No. 4400556521 –Trillium Seabreeze Park.

_______________________
Jim Harnum
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

This is a recommendation to obtain City Council approval for the expropriation of land for proposed parkland in the Trillium Neighbourhood as part of the Urban Lakeshore Area Secondary Plan. Real Estate staff from Planning and Economic Development Department was not able, over several years of negotiating with the owners, to negotiate a purchase of the subject lands at market value. This report authorizes the City to initiate the expropriation and deal with any request for a Hearing of Necessity.

BACKGROUND:

In 1992 the former City of Stoney Creek Council authorized former Planning staff to proceed with the preparation of the Trillium Secondary and Neighbourhood Plans. The Trillium Neighbourhood is an integral component of the former City of Stoney Creek’s housing strategy in compliance with the then Provincial Policy Statement “Land Use Planning for Housing”.
Typically Neighbourhood Plans in the former City of Stoney Creek had a central school and park site. This configuration was achieved in the western half of the Trillium Neighbourhood, however this neighbourhood is long and narrow as it is located between the QEW and Lake Ontario and essentially follows the shoreline. As a result, former Stoney Creek Planning staff also recommended parkland be sited in the eastern half of the Trillium Neighbourhood.

The former City of Stoney Creek Council approved the Trillium Neighbourhood Plan on July 11, 1995. The plan was also modified by City of Stoney Creek staff on August 28, 1995 and on January 14, 1997. The size of the park was to be 2.0 hectares (5.0 acres). A development consultant representing the property owners in the area objected to the size of the park. Accordingly the City of Stoney Creek Secondary Plan for the Trillium Neighbourhood approved a 1.0 hectare (2.50 acres) park site was approved to be situated on Seabreeze Crescent (as opposed to the 1.6 hectare (4.0 acres) in the Official Plan.

As stated in the Stoney Creek Staff Report PLT99-21, dated July 8, 1999, “A further analysis by the Recreation and Parks Department have determined that the size of the park in this neighbourhood could be smaller than the standard size. Given that the usage of the neighbourhood park east of Glover Road would be more passive, the size could be reduced to approximately 1.0 hectare (2.50 acres) from the original proposal of 2.0 hectares (5.0 acres)”. Consequently the amendment was approved by Stoney Creek Council on October 26th, 1999.

Both Community Planning and Design Section in the Planning and Economic Development Department and Open Space Development and Park Planning Section in the Public Works has no objection to supporting a 1 hectare park (2.50 acres) in the Trillium Neighbourhood as part of the Urban Lakeshore Area Secondary Plan. A development application and an amendment to the Secondary Plan (Official Plan) will be required in order to develop the land for purposes other than parkland.

**ANALYSIS/RATIONALE:**

The proposed expropriation of parklands is consistent with the approved Trillium Neighbourhood Plan and Secondary Plan.

The background section of this report noted that the former City of Stoney Creek reviewed several sizes for the park including 1.0 hectare (ha), 1.6 hectares and 2.0 hectares in total area. In 1999, the former City of Stoney noted through Report PLT99-21 that the size of the park in this neighbourhood could be 1.0 ha as opposed to a 2.0 ha size. The reduced size of the park was feasible due to the proposed use of the park being passive, rather than an active use. Stoney Creek Council approved the amendment for the smaller park size on October 26, 1999.

**ALTERNATIVES FOR CONSIDERATION:**

Council could choose not to approve the expropriation of land for parkland. In this alternative, the park would not be built and the project would be closed. If it was determined that the park was no longer required, then an amendment to the Secondary Plan would be required to redesignate the lands for residential purposes. This option is
not recommended as it contravenes the original intent of the Urban Lakeshore Area Secondary Plan.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Sufficient funds are available in Capital Budget Item No. 4400556521 – Trillium Seabreeze Park to make Official Offers of Compensation for the subject lands and to fund independent real estate appraisals.

**POLICIES AFFECTING PROPOSAL:**

Approval of this report does not require changes to City policy.

**RELEVANT CONSULTATION:**

Development & Real Estate Division, Planning & Economic Development Department
Legal Services Division, City Manager’s Office
Capital Planning and Implementation Division, Public Works
Ward 11 Councillor’s Office

**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
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens. Expropriation of the lands will provide for approved parkland in the Trillium Seabreeze Neighbourhood.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
Ecological opportunities in terms of parks and open spaces help promote a healthy lifestyle.

**Economic Well-Being is enhanced.** ☐ Yes ☑ No

**Does the option you are recommending create value across all three bottom lines?**

☐ Yes ☑ No
This option is more focused on community and environmental impacts

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

☐ Yes ☑ No