SUBJECT: Declaration of Surplus Property of City Owned Lands Described as Part Lots 98, 99, and 103 to 106 on Plan 482, Municipally Known as 284 Sherman Avenue South, Hamilton (PED06389) (Ward 3)

RECOMMENDATION:

(a) That the subject lands, known municipally as 284 Sherman Avenue South, Hamilton, being a landlocked parcel composed of part of Lots 98, 99 and part of Lots 103 to 106 on Plan 482, comprising an approximate area of 566.56 square metres (0.14 acres), shown in Appendix “A” to Report PED06389, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law No. 04-299.

(c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to request City Council’s approval to declare the subject property surplus to the requirements of the City and allow Real Estate staff to sell the parcel. The vacant landlocked subject parcel, municipally known as 284 Sherman Avenue South, Hamilton, being a landlocked parcel composed of part of Lots 98, 99 and part of Lots 103 to 106 on Plan 482, comprising an approximate area of 566.56 square metres (0.14 acres), shown in Appendix “A” to Report PED06389, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.
Avenue South, is described as part of Lots 98, 99 and part of Lots 103 to 106 on Plan 482. The parcel has a width of approximately 7.62 metres (25 feet) and an approximate depth of 15.24 metres (50 feet) comprising an approximate area of 566.56 square metres (0.14 acres). Recent site visits have discovered encroachments by neighbouring homeowners on the City lands creating potential liability issues for the City.

BACKGROUND:

The City of Hamilton obtained 284 Sherman Avenue South through a failed tax sale. The lands are landlocked and vacant and located between numerous properties fronting on Sherman Avenue South, Cumberland Avenue and St. Clair Avenue. The subject property is located in the St. Clair Neighbourhood and is zoned “C” Urban Protected Residential (Single Family Dwellings). City possession of the land was granted by Vesting Notice LT189180 dated July 19, 1994. Over the years, maintenance work has been completed on the property removing trees and debris from the lands resulting from residents’ complaints/concerns. Recent site visits have indicated adjacent property owners are using the parcel as a location for dumping. Some residents have fenced a portion of the City’s lands and one has constructed a child’s play structure on a portion of the property. With the debris and play structure located on the property, the City could become liable for any injuries which may occur on the lands.

ANALYSIS/RATIONALE:

Declaring the land surplus would allow Real Estate staff to continue with negotiations for the disposal of the property, which would generate revenue, alleviate liability issues and potentially establish lot depth consistent in the St. Clair Neighbourhood and the lots fronting on St. Clair Boulevard.

ALTERNATIVES FOR CONSIDERATION:

If Council denies this request to declare 284 Sherman Avenue South surplus, Real Estate staff will be unable to dispose of this property. Retaining the property creates a liability issue given that the City is responsible as the owner. Furthermore, due to the risks and liabilities associated with the existing encroachments on City land, considerable staff time will be expended on the enforcement and removal of these encroachments. As a result of the City retaining ownership of the lands, there will be no increase in revenue or tax assessment related to the parcel in addition to ongoing maintenance costs to be incurred.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: There is a financial benefit to the City, as described above, resulting from the sale of this property.
Subject: Declaration of Surplus Property of City Owned Lands Described as Part Lots 98, 99, and 103 to 106 on Plan 482, Municipally Known as 284 Sherman Avenue South, Hamilton (PED06389) (Ward 3)

Staffing: There are no identified staffing implications.

Legal: There are no identified legal implications as a result of the recommendations.

POLICIES AFFECTING PROPOSAL:

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by City Council on November 24, 2004, and the “Procedural By-law for the Sale of Land”, By-law #04-299, that City Council must declare surplus any lands to be disposed of by the City.

RELEVANT CONSULTATION:

The Real Estate Section completed a circulation to all City Departments requesting comments. The Building & Licensing Division stated the parcel meets the required lot area of the district, however, because the property does not have access to a municipal road, no development is permitted. Planning staff has indicated that this parcel should be divided amongst adjacent property owners to maintain a similar parcel fabric within the neighbourhood. Due to the area’s low water pressure and the parcel’s inability to be serviced with sewer and water lines, negotiations to sell the property to adjacent owners is supported by Strategic and Environmental Planning – Public Works Department. Also, the location of 284 Sherman Avenue South is not desirable for a park or playground because of the small lot area, no access for the entire neighbourhood and the shallow lot depths of the adjacent properties would create a problem.

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

Surplus dedication would allow sale of a surplus asset and enhance the 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

Part of Lots 98, 99 and part of Lots 103 to 106 on Plan 482

Planning and Economic Development
Department
REAL ESTATE SECTION

LEGEND

Subject Lands

SCALE
NOT TO SCALE
DATE 2006-09-27

REFERENCE FILE NO: 2006 - 059