TO: Chair and Members  
Economic Development and Planning Committee  

WARD(S) AFFECTED: WARD 6

COMMITTEE DATE: October 5, 2010

SUBJECT/REPORT NO:  
Acquisition of Part of 1400 Stone Church Road East, Hamilton from Hamilton Region Conservation Authority (HRCA) (PED10233) (Ward 6)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
John Hamilton  
(905) 546-2424 Ext. 7045

RECOMMENDATION

(a) That the City of Hamilton’s Offer to Purchase, executed by the Hamilton Region Conservation Authority (HRCA), and scheduled to close on or before December 15, 2010, to purchase the lands described as Part of Lots 1 and 2, Concession 8, in the former Township of Barton now in the City of Hamilton, described as Parts 1, 2, 3 and 4, on Plan 62R-18714, having an area of 3.38 hectares (8.34 acres) more or less, and being part of PIN 16931-0071(LT), and Roll No. 251806058101850, known municipally as 1400 Stone Church Road East, as shown on Schedule “A” attached to Report PED10233, be approved and completed, at the purchase price of $390,000;

(b) That subject to approval of Recommendation (a) the total acquisition costs in the amount of $410,437.00 (including purchase price, legal fees, real estate and appraisal costs) be charged to Capital Project ID 59259-5180980983;
(c) That as consideration, the amount of $2 paid to the owners pursuant to the agreement, be deducted from the purchase price;

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

(e) That the costs incurred for the provision of Real Estate’s service in the amount of $7,957.00 (inclusive of an internal appraisal) be credited to Account 45408-3560150200 (Property Purchases and Sales) and debited from Project ID 59259-5180980983.

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**EXECUTIVE SUMMARY**

The City of Hamilton is buying open space land consisting of an abandoned quarry from the HRCA. The former quarry will be adapted for use as a storm water management pond to serve the Summit Park Phase 5 Subdivision at Trinity Church Road and Rymal Road. This will optimize use of open space and provide 3.31 acres of residential development land; the storm water facility will also manage storm water in the Red Hill Business Park.

*Alternatives for Consideration – See Page 4.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** *(For Recommendation(s) Only)*

**Financial:** There are sufficient monies in Project ID 59259-5180980983 to fund the costs identified in this Report for the property acquisition. The costs are broken down as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$390,000</td>
</tr>
<tr>
<td>Real Estate and Appraisal Fees</td>
<td>$7,957</td>
</tr>
<tr>
<td>Legal Fees</td>
<td>$12,480</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$410,437</strong></td>
</tr>
</tbody>
</table>

**Staffing:** There is no staffing implication arising from this recommendation.

**Legal:** Legal Services has assisted in the preparation of the Offers to Purchase and will be required to assist in the completion of the sale transaction and easement.
HISTORICAL BACKGROUND (Chronology of Events)

The information/recommendations contained within this Report primarily affect Ward 6, but may have city wide implications.

The land required by the City consists of 8.34 acres, which will provide sufficient land for the storm water management facility and a ring road for servicing. HRCA will be granted an easement along the ring road for continued access from Rymal Road to its open space land that is being retained. HRCA has owned the subject site since 1971; it forms part of a 23.87 hectare (59 acre) parcel of passive open space. The quarry land is about one kilometre west of the Summit Park Subdivision, north of the Red Hill Business Park.

Summit Park has developed rapidly with a mix of residential uses in recent years; Phase 5 is situated at the south-east corner of Rymal Road and Trinity Church Road. Now owned by Multi-Area Developments Limited, the developer is moving ahead with plans for the development of 138 single detached dwellings along with one block of low to medium density, plus three blocks of medium to high density dwellings and one commercial block. When the plan was designed, the requirement for a 1.34 hectare (3.31 acre) storm water management pond was identified.

To maximize the availability of development land within Summit Park, the developer explored the possibility of relocating the storm water pond to the adjoining quarry land held by HRCA. This option will accommodate the needs of Summit Park and the Red Hill Business Park at minimal cost and will be funded from Development Charges.

POLICY IMPLICATIONS

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by Council on November 24, 2004, to acquire property in support of municipal programs and needs. As the purchase price of the subject land exceeds the $250,000 limit set by City Council under the Delegation of Authority approval process, approval is, therefore, required by City Council.

RELEVANT CONSULTATION

- Corporate Services, Legal Services Division
- Public Works Department, Environment and Sustainable Infrastructure Division
- Planning and Economic Development Department, Economic Development and Real Estate Division
ANALYSIS / RATIONALE FOR RECOMMENDATION
(Include Performance Measurement/Benchmarking Data, if Applicable)

The City currently has a policy to pay $330,000.00 per acre in Hamilton for residential land usable for a storm water management pond facility. By using the abandoned quarry land designated as open space and owned by the HRCA, significant savings will be realized by the City. The purchase price paid to the owner reflects the value of the land as open space, as well as one third the benefit earned. The City will earn two-thirds of the financial benefit and in addition, use of the storm water management facility to service the Red Hill Business Park.

ALTERNATIVES FOR CONSIDERATION
(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for Each Alternative)

An alternative is not to purchase these lands. It is not recommended as the City would need to replace the storm water management facility and purchase land at residential development land prices. Additional land would be required for a storm water facility to service the Red Hill Business Park.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Environmental Stewardship

- Natural Resources are protected and enhanced. Providing the lands required to protect open space land for the general community of the City of Hamilton.

APPENDICES / SCHEDULES

Appendix “A” to Report PED10233 – Location Map

JH/sd
Location Map

File Name/Number: 2008-069
Date: Sept. 14, 2010
Appendix "A" Scale: N.T.S.
Planner/Technician: JHAL

Subject Property

Land Sale, Hamilton Region Conservation Authority to City of Hamilton 1400 Stone Church Road East, 8.338 acres
Part of Pt #16931-0071
Rail #2518 066 58/01/850
Part of Lots 1 & 2, Concession 8,
Formerly Barton Township
Parts 1-8 Plan 62R-18714

Land purchased to construct a storm water management pond.

Ward 6 Key Map N.T.S.