SUBJECT: Declaration and Sale of Surplus Lands to Ministry of Transportation - Red Hill Valley Parkway – 2380 Brampton Street, Part 3 on Plan 62R-15125, Hamilton (PW07048 / PED07120) (Ward 5)

RECOMMENDATION:

(a) That the City owned vacant lands, identified as Part of Lot 28, Concession 1, in the former Township of Saltfleet, designated as Part 3 on Plan 62R-15125, municipally known as 2380 Brampton Street (attached as Appendix “A” to Report PW07048 / PED07120), comprising an area of .151 ha (.373 ac), more or less, be declared surplus to the requirements of the City of Hamilton in accordance with the City of Hamilton Real Property By-law No. 04-299.

(b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to convey the subject property to the Ministry of Transportation (MTO) in accordance with an agreement dated October 22, 1998, between MTO and the former Region of Hamilton-Wentworth providing for the land acquisition, design, construction and completion of the Red Hill Valley Parkway. The subject property forms part of the new Parkway.

(c) That the net proceeds of the sale be directed to the Red Hill Valley Parkway Project Office to recover City funds used to acquire this parcel on behalf of the Ministry of Transportation (MTO).
(d) That the Mayor and City Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor, and that any Legal Services Section expenses or other administrative expenses be charged to Account Number 47702-4060087001– Red Hill Valley Parkway Project.

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

**EXECUTIVE SUMMARY:**

The purpose of this report is to request City Council’s approval to convey lands forming part of the Red Hill Valley Parkway Project to the Ministry of Transportation.

This conveyance will remunerate the City for its costs of acquiring property on behalf of the Ministry of Transportation, as prescribed in an agreement dated October 11, 1998, between the former Region of Hamilton-Wentworth and the Ministry of Transportation.

**BACKGROUND:**

In 1995, the Province announced its intention to assist the former Region of Hamilton-Wentworth in the completion of the Red Hill Creek Expressway. Following this announcement, the Lincoln Alexander Expressway was constructed, and on October 22, 1998, a “go forward” agreement was reached between MTO and the Region to complete the North/South road infrastructure and facilitate connection of the LINC to the QEW.

Among the conditions contained in the said agreement, MTO agreed to design and construct the QEW interchange connections to the Red Hill Creek Expressway. The Region agreed to take responsibility for the acquisition of all land, including land required by MTO to complete its work between Brampton Street and the QEW, on the understanding that the costs related to the land purchased on behalf of MTO would be reimbursed to the Region.

The subject property, described as Part 3 on Plan 62R-15125, is one of three parcels acquired by the Region on behalf of MTO. As illustrated on Appendix “A”, this is a triangular parcel, located along the south side of Brampton Street between Nash Road North and Kenora Avenue, within the Nashdale Planning District. Its frontage measures 63.29 metres (207.64 feet), more or less.
The City of Hamilton's Comprehensive Zoning By-law No. 6593 zones the property "KK" Restricted Heavy Industrial. According to the Official Plan, the subject property is designated as "Industrial", and being in Special Policy Area 11, this designation would permit development consistent with light industrial land uses.

The property was acquired in a partial taking expropriation from Thermo Tech Waste Systems Inc. on May 1, 2003, along with Part 2 on Plan 62R-15125 (which the City will retain as realigned Brampton Street). An Agreement to Accept Compensation for $270,000.00, executed by Thermo Tech Waste Systems Inc., was presented to Committee of the Whole at its meeting of June 9, 2003, and approved by Council on July 9, 2003.

The Ministry of Transportation is preparing to designate the Red Hill Valley Parkway as a public highway and the subject parcel is to become part of this designation. The City of Hamilton is being requested to transfer the property to the Ministry of Transportation to facilitate designation.

**ANALYSIS/RATIONALE:**

As a partner in this undertaking with the Ministry of Transportation, the City of Hamilton has fulfilled its mandate of acquiring lands on behalf of MTO, and will now recover its costs. MTO has agreed to reimburse the City for its outlays, plus interest, calculated from May 1, 2003, the date of acquisition. These funds will be directed towards completion of the Red Hill Valley Parkway project.

**ALTERNATIVES FOR CONSIDERATION:**

There are no alternatives for consideration as this transaction is taking place in accordance with an agreement of October 11, 1998, between MTO and the Region of Hamilton Wentworth.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** The costs associated with completion of the Red Hill Valley Parkway will be offset.

**Staffing:** Staff will take the necessary steps to complete the transfer.

**Legal:** Legal Services will be required to assist in the preparation of the necessary documents required to complete the recommendation set out herein.
POLICIES AFFECTING PROPOSAL:

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by Council on November 24, 2004.

The City of Hamilton acted as the Expropriating Authority and as the Approving Authority under the *Expropriations Act* in its acquisition of the subject parcel, exercising its power to expropriate by passing By-law No. 03-084 on April 9, 2003.

RELEVANT CONSULTATION:

The subject property will form part of a designated, controlled access Provincial highway, therefore, no consultation with internal departments or external agencies has taken place.

Legal Counsel has reviewed this matter and concurs with the recommendations.

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

Hamilton’s Official Plan and Regional Transportation Review prescribe completion of the Red Hill Valley Parkway. This highway completes an important connection to the QEW, LINC and Highway 403.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

The Red Hill Valley Parkway project is an integrated, environmentally responsible infrastructure, which will divert truck traffic off City streets onto roads designed to carry heavy loads.

Economic Well-Being is enhanced. ☑ Yes ☐ No

Residential, commercial, industrial and airport development in the City of Hamilton are predicated on the Red Hill Valley Parkway. The City’s investment in this infrastructure will accommodate new export-oriented economic growth.

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

:DC

Attach. (1)
Attachment "A"

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 2007-010
Date: March 14, 2007

Appendix "A" Scale: N.T.S. Planner/Technician: DC/KA

Subject Property

2380 Brampton Street
PIN #: 17566-0022 (LT)
Area: 0.151 ha (0.373 ac)
Legal Description: Pl 3, Plan 62R-15125
Zoning Code: KK

Ward 5 key map N.T.S.