**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

*Economic Development Division*

**TO:** Mayor and Members
General Issues Committee

**WARD(S) AFFECTED:** WARD 12

**COMMITTEE DATE:** October 17, 2012

**SUBJECT/REPORT NO:**
Declaration of Surplus and Sale of Vacant Land at 110 Woodview Crescent, Ancaster, to Rhona Harvey and Janet Kennelly (PED12186) (Ward 12)

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

**PREPARED BY:**
Frank Albrecht
(905) 546-2424, Ext.2656

**SIGNATURE:**

**RECOMMENDATIONS:**

(a) That the land municipally known as 110 Woodview Crescent, legally described as Part Lot 62, Plan 1076, and designated as Part 1 on Plan 62R-1632, comprising an area of 344 square metres (3,702 square feet) on the south limit of Woodview Crescent, Ancaster, identified as PIN 17424-0062(LT) and Roll No. 251814023014650, as shown on Appendix “A” attached to Report PED12186, be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

(b) That an Offer to Purchase executed on August 20, 2012, by Rhona Harvey and Janet Kennelly, being the adjoining property owners at 118 Fallingbrook Drive, scheduled to close on December 12, 2012, be approved and completed, subject to the conditions described in recommendation (e) and that the sale proceeds of $10,000 be credited to Account No. 47702-3560150200 (Property Purchases and Sales);
(c) That the deposit cheque in the amount of $1,000, being the required 10% of the purchase price, be held by the General Manager of Finance and Corporate Services, pending acceptance of this transaction;

(d) That the sale price of $10,000 does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828 009000 (HST Payable);

(e) That the following conditions be included in the Offer to Purchase of 110 Woodview Crescent;

(i) The Purchaser acknowledges and agrees that the lands being sold pursuant to this Offer shall be registered in the same name and title of the current land holdings municipally known as 118 Fallingbrook Drive, Ancaster, Roll No. 251814023014600, Property Identification Number (PIN) 17424-0061 (LT);

(f) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That the subject lands be declared surplus by inclusion in Report PED12186 to Council;

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on March 27, 2012; and,

(iii) That, in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of Report PED12186 to City Council.

**EXECUTIVE SUMMARY:**

Staff is seeking Council’s approval to declare the subject property surplus to the requirements of the City of Hamilton and direct Real Estate staff to finalize the sale to the adjoining property owners at 118 Fallingbrook Drive. As the parcel is undevelopable on its own and options to dispose are limited, it would be sold to the adjoining land owner(s) at 118 Fallingbrook Drive for a lot extension.

*Alternatives for Consideration - see Page 4.*
FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

Financial: The subject parcel is to be sold at fair market value to adjoining owners.

Staffing: There are no staffing implications arising from this recommendation, other than Real Estate and Legal Services staff working together to complete the sale of the property.

Legal: Legal Services Division will be required to assist in the preparation of the necessary closing documents upon disposition.

HISTORICAL BACKGROUND:

The information and recommendation contained in this Report primarily affect Ward 12.

The subject is located in Clearview Estates on the south limit of Woodview Crescent in north-west Ancaster; this is a vacant irregular shaped lot having a frontage of 21.34 metres (70 feet) a depth of 23.67 metres (77.67 feet). It was formerly part of the abutting property at 118 Fallingbrook Drive acquired by the Province in 1975, where the Ministry of the Environment constructed a wastewater pumping station which served the former Township of Ancaster.

In 1987, an upgraded pumping station was built on Sulphur Springs Road opposite Woodview Crescent, making the former station redundant. In April 1999, the Province conveyed the abandoned pumping station by Transfer Order No.WS1/1998 (pursuant to Section 2 of the Municipal Water and Sewage Transfer Act, 1997, c. 6) to the Town of Ancaster. Real Estate Section staff completed a circulation to all City Departments and no municipal interest was expressed.

Options to dispose of this property are limited due to its physical attributes and existing planning regulations. The Town of Ancaster Zoning By-Law 87-57 designates the property as “ER – Existing Residential”, which requires a minimum lot area of 695 square metres (7,480 square feet). The subject lot area is only 344 square metres (3,702 square feet), being deficient of the minimum requirements for a buildable lot. With this magnitude of deficiency, a variance is unsupportable. Further, the parcel’s easterly limit delineates the urban boundary as well as the Niagara Escarpment Commission’s development control area which restricts development; to the south, the parcel abuts a steep wooded embankment. The foregoing development constraints limit the property’s potential and its marketability.

The abutting property owner to the west at 118 Fallingbrook Drive has expressed an interest in acquiring the subject as a lot extension and to control ongoing issues related
to illegal dumping. Merging the subject parcel with adjoining land to the east or south is considered impractical.

Based on the foregoing, staff is recommending that the subject property be declared surplus and sold to the abutting property owners at 118 Fallingbrook Drive (Rhona Harvey and Janet Kennelly) at fair market value.

**POLICY IMPLICATIONS:**

As no municipal need has been identified for the subject property, Council’s direction is being sought to allow staff to declare the subject property surplus and dispose of the land, in accordance with the City’s Real Estate Portfolio Strategy Plan.

**RELEVANT CONSULTATION:**

Real Estate staff circulated notice of the surplus lands to relevant City of Hamilton staff. There were no objections to the sale of the lands.

Consultation was also carried out with staff in the following City Departments:

- Legal Services Division, Corporate Services Department
- Planning Division, Planning and Economic Development Department
- Public Works Department
- Ward Councillor

**ANALYSIS / RATIONALE FOR RECOMMENDATION:**

The City of Hamilton will receive a financial benefit from the sale of the subject lands. Upon its disposition, the property will generate additional property tax revenue and relieve the City from ongoing liability and maintenance.

**ALTERNATIVES FOR CONSIDERATION:**

Should Council decide not to declare the lands surplus and approve disposition, the parcel will remain in City ownership for an unknown period of time and continue to be a liability for the City of Hamilton.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

CORPORATE STRATEGIC PLAN:


Financial Sustainability

* Financially sustainable City by 2020 and generate assessment growth.

APPENDICES / SCHEDULES:

Appendix “A” to Report PED12186 - Location Map

FA: sd