SUBJECT: Declaration of Surplus Property and Sale of City Lands Known as 0 Braeheid Ave., Block 111 on Plan 62M-704, Flamborough, to Alistair Ingram and Michelle Burda, (PED07052) (Ward 15)

RECOMMENDATION:

(a) That the City land identified as part of 0 Braeheid Avenue, being Block 111 on Plan 62M-704, as shown on Appendix “A” to Report PED07052, having a frontage of 6.1 metres (20.0 feet) along the southern limit of Braeheid Avenue and a depth of 6.1 metres (20.0 feet) in the former Town of Flamborough, now in the City of Hamilton, 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 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, as shown on Appendix “A” to Report PED07052, to the abutting land owners Alistair Ingram and Michelle Burda for the sale price of $200.00 in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(c) That the required deposit cheque, in the amount of $20.00, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction.

(d) That the proceeds, in the amount of $200.00, for the sale be deposited in Account No. 47702-3560150200 (Civic Property Purchases and Sales).
(e) That the following condition be included in the Offer to Purchase:

“The purchasers acknowledge and agree that the lands being sold pursuant to the Offer shall be registered in the same name and title of the current land holdings municipally known as 35 Riley Street, Flamborough Roll No. 251830339022430, currently owned by Alistair Ingram and Michelle Burda.”

(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 of this report to Council.

ii) 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) (7), sufficient notice to the public is given by way of this report to City Council.

iii) That an internal review of the value of the property intended to be sold was completed on November 21, 2006,

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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 lands surplus to the requirements of the City of Hamilton and to direct the sale of the lands to the abutting owners, Alistair Ingram and Michelle Burda. The City acquired the subject property as a result of a failed property tax sale held on November 22, 2005. The subject land is a triangular parcel having a frontage of 6.1 metres (20.0 feet) along the southern limit of Braeheid Avenue and a depth of 6.1 metres (20.0 feet).

**BACKGROUND:**

In November of 1982, Sidney W. Woods Inc., Engineers & Surveyors, registered a reference plan depicting Part 3 to be used as a future road, as shown on Appendix “B” to Report PED07052. Subsequently, in July 1992, Marshall Macklin Monaghan Ontario Limited registered Plan 62M-704 on behalf of Royaledge Industries Inc. and had further subdivided Part 3 into a residential building lot, (Lot #76) and two blocks being Blocks
Although the subject blocks were obtained as a result of the failed tax sale, the City’s Procedural By-law No. 04-299 declares those lands surplus to the needs of the City and may be resold without Council’s approval to declare the lands surplus on the proviso that lands are resold within a one year period. In that negotiations were underway with the abutting owners and an offer was executed, which exceeded the one year limitation by five (5) days, Council’s approval is, therefore, required to declare the subject block surplus and to approve the sale to the abutting owners of 35 Riley Street, Flamborough.

**ANALYSIS/RATIONALE:**

There is no municipal requirement for the subject lands.

The subject lands do not contribute to core business of the City of Hamilton. A circulation failed to identify any needs or uses for the subject lands. The City of Hamilton will receive a financial benefit from the sale of the subject and would eliminate any future liability or maintenance costs.

**ALTERNATIVES FOR CONSIDERATION:**

Should Council decide not to declare the lands surplus and approve the sale, the parcel will remain in City ownership for an unknown period of time and continue to be a liability to the City.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** There are no financial implications arising from this recommendation.

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

**Legal:** Legal Services will be required to assist in the preparation of the necessary documents upon the sale of the lands.
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.

RELEVANT CONSULTATION:

Real Estate staff has circulated the subject lands to relevant City of Hamilton staff and none have shown interest or objected to the sale of the parcel.

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
The sale of the lands will provide and correct title issues.

Environmental Well-Being is enhanced. ☐Yes ☑No

Economic Well-Being is enhanced. ☑Yes ☐No
The lands to be sold and consolidated with the adjoining residential property will increase 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

:HM
Attachs. (3)
Location Map

Appalachian Development Department

File Name/Number: 2006-077
Date: January 18, 2007

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

Subject Property

0 Braeheid Avenue,
Block 111 on Plan 82M-704,
Flamborough

Ward 15 key map N.T.S.