SUBJECT: Declaration of Surplus Property and Sale of City Land Described as Parts 1 and 2 on Plan 62R-18547 (Red Hill Valley Land to the Rear of 145 Reid Avenue South - owners Maria and Raffaele Malatesta and 161 Reid Avenue South - owners Carmela and Gaetano Malatesta), Hamilton, to the Malatesta Families (PED09269 / PW09083) (Ward 4)

RECOMMENDATION:

That two (2) City owned vacant parcels of land at the rear of 145 and 161 Reid Avenue South, Hamilton, legally described as Parts 1 and 2 on Plan 62R-18547, being composed of Part of Lot 31 Concession 3, and together comprising an approximate area of 1,002 square metres (10,785 square feet), shown on attached Appendix “A” to Report PED09269 / PW09083, 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 04-299.

Tim McCabe
General Manager
Planning and Economic Development Department

Gerry Davis, CMA
General Manager
Public Works Department
EXECUTIVE SUMMARY:

The purpose of this report is to request City Council’s approval to declare the subject properties surplus and direct Real Estate staff to negotiate the sale of the subject lands with the adjoining owners, the Malatestas who reside at 145 and 161 Reid Avenue South. The Malatestas are participating in the Red Hill Valley Noise Mitigation Program and this conveyance will satisfy their request for the purchase of City land and the fencing thereof.

BACKGROUND:

The subject parcels, situated at the rear of 145 and 161 Reid Avenue South, form part of the tableland along the Red Hill Valley Parkway. Zoning is “C” Urban Protected Residential and “B-1” Suburban Agriculture and Residential.

The abutting land owners have expressed an interest in purchasing the subject parcels to facilitate the construction of a noise mitigation fence around the perimeter of their rear yard pursuant to the Red Hill Valley Noise Mitigation Program (RHVNMP). The RHVNMP offers residents abutting the expressway various options of noise mitigation and non-noise mitigation measures including windows, noise walls, wood fences etc. Along with the non-noise mitigation options offered under the program, Council approved the following provision at its June 30, 2004 meeting [Red Hill Valley Project - Noise Mitigation Options (PW04074)]:

“(g) That staff be authorized to make the necessary property line adjustments and carry out the necessary land transfers that enable private property owners to extend rear lot lines to the top of the Red Hill Valley wall where, in the opinion of staff, such adjustments are appropriate.”

The rear yards at 145 and 161 Reid Avenue South are rather shallow and require additional City owned land to accommodate the proposed fence.

The Real Estate Section completed a circulation to all City Departments and no municipal interest was expressed; staff is moving forward with declaring the lands surplus and conveying to the adjoining owners, the Malatestas.

ANALYSIS/RATIONALE:

Declaring the land surplus would allow Real Estate staff to proceed with disposing of the property, generating additional property tax revenue and facilitating the property owners' requests under the RHVNMP.
Subject: Declaration of Surplus Property and Sale of City Land Described as Parts 1 and 2 on Plan 62R-18547 (Red Hill Valley Land to the Rear of 145 Reid Avenue South - owners Maria and Raffaele Malatesta and 161 Reid Avenue South - owners Carmela and Gaetano Malatesta), Hamilton, to the Malatesta Families (PED09269 / PW09083) (Ward 4) - Page 3 of 4

ALTERNATIVES FOR CONSIDERATION:

If the City of Hamilton denies this request to declare the subject parcels surplus, Real Estate staff will be unable to dispose of property that would facilitate a noise mitigation measure provided by the RHVNMP. Furthermore, if the City retains ownership of the lands, there would be continued maintenance costs and no increase in tax revenue from these parcels.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: The subject property is to be sold at fair market value and property tax revenue will increase.

Staffing: There are no identified staffing implications as a result of this report.

Legal: Legal Services would be required to work with the Real Estate Section to complete the disposal of this property.

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 and received no concerns or objections regarding the proposed sale.

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
A City of Growth and Opportunity.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Productive use of a marginal parcel.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Surplus declaration would allow sale of a surplus asset and enhance the property tax base.
Subject: Declaration of Surplus Property and Sale of City Land Described as Parts 1 and 2 on Plan 62R-18547 (Red Hill Valley Land to the Rear of 145 Reid Avenue South - owners Maria and Raffaele Malatesta and 161 Reid Avenue South - owners Carmela and Gaetano Malatesta), Hamilton, to the Malatesta Families (PED09269 / PW09083) (Ward 4) - Page 4 of 4

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

AM/sd
Attach. (1)
Appendix "A" to Report PED09269/PW09083

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 161 & 145 Reid Ave South

Date: September 10, 2009

Appendix "A" Scale: N.T.S.

Planner/Technician: AM/AL

Subject Property

Land to the rear of 145 and 161 Reid Avenue South, Hamilton
Part of P/N# 172780274 (LT)
Total area: 1.002m² (10.785 square feet)