SUBJECT: Declaration of Surplus Property Located at the Rear of 46 Milkyway Drive, Hamilton (PED05135) (Ward 6)

COMMENDATION:

(a) That the lands to the south of 46 Milkyway Drive, Hamilton, in the Trenholme Neighbourhood, legally described as Part of Part 1, on Plan 62R-14080, having an area of 107 square metres (0.026 acres), more or less, as shown on Appendices “A” and “B” to Report PED05135, attached herewith, 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, be authorized and directed to sell the subject lands to the abutting neighbour to the north, municipally known as 46 Milkyway Drive, in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(c) That the net proceeds of the sale be contributed to the Reserve for Property Purchases (Account 47702- 3560150200).

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 property surplus to the requirements of the City of Hamilton, and offer the subject property for sale, at fair market value, to the abutting neighbour to the north, municipally known as 46 Milkyway Drive, as a lot extension.
BACKGROUND:

The subject property is located on the north side of the barrier wall adjacent to the Lincoln Alexander Parkway, being composed of part of Part 1, on Plan 62R-14080, as shown on Appendix “B” to Report PED05135, attached herewith.

The subject property was initially retained as a maintenance corridor for the purpose of servicing the noise wall along the Lincoln Alexander Parkway. It has been determined that the service maintenance corridor is no longer required as the wall can be serviced from the southerly side, with access to be derived from the west bound lanes of the expressway. The lands are designated as “Residential” on Schedule “A” Land Use Concept in the Hamilton Official Plan and identified as “Park & Recreational” on the Trenholme Neighbourhood Plan. The lands are zoned as “AA” (Agricultural) District in the Hamilton Zoning By-law No. 6593. The intent of the declaration and sale is to merge the subject parcel with the lands to the north, legally described as Lot 20 on Registered Plan 62M-563 and municipally known as 46 Milkyway Drive. The zoning on this parcel is “C” District. Upon the sale and merger of both parcels, the lands will contain dual zoning, which zones both permit the use of the land for single family dwellings.

At the time of registration of Plan 62M-563, the former Region of Hamilton-Wentworth secured easements along the rear of Lots 4, 5, 6, and 12 to 21, inclusive, and being designated as Parts 1 to 13 on Reference Plan 62R-9654, as shown on Appendix “C” to Report PED05135, attached herewith for the right of access in connection with the installation, construction, maintenance and repair of berms, including all appurtenances relating to the East-West Mountain Freeway. Staff had recently been advised by Public Works that the subject easements are no longer required and that some are in the process of being released and abandoned.

It is also noted for Committee and Council’s information that on August 25, 2005, the Transfer, Release and Abandonment of the maintenance easement over the rear of 46 Milkyway Drive, identified as Part 12 on Plan 62R-9654, was registered as Instrument No. WE332512.

ANALYSIS OF ALTERNATIVES:

The alternative to the disposal of the land is the continued ownership of the lands, which is no longer required as a maintenance corridor. Due to the irregular shape of the area, upkeep and maintenance is presently difficult.

In declaring the subject property surplus to the needs of the City, the subsequent disposal of the property will become taxable at the appropriate property tax rate.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: The net proceeds of the sale will be contributed to the Reserve for Property Purchases (Account 47702-3560150200).

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

Legal: There are no identified legal implications as a result of this report.

POLICIES AFFECTING PROPOSAL:

The recommendation to declare the subject property surplus to the City’s needs and the disposal of the subject property is consistent with the City’s goal to dispose of underutilized Real Estate assets.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Real Estate Section completed a circulation to all City Departments and external agencies requesting comments on any current and future possible use for the site. All comments indicated that there were no municipal requirements for the property.

Open Space Development and Park Planning (Capital Planning and Implementation)

Staff from this Department indicated that there is no defined boundary between the park property and the parcel in question, therefore, they would have objection to selling off the City’s parkland if the parcel is considered part of the parkland. If the parcel is not formally part of the park, then there would be no objection to the sale.

Public Works

Has no objections to the disposal of the subject area and further advises that the easements related to the maintenance corridor for the noise wall to the west of the subject property are currently being abandoned; therefore, there is no need to maintain an easement over the subject property for maintenance on the Lincoln Alexander Parkway barrier wall as maintenance may be completed from the highway corridor.

CITY STRATEGIC COMMITMENT:

Recommendations contained in this report have regard to Council’s approved goal including, more specifically, Goal 5 – “A City That Spends Wisely and Invests Strategically.”