SUBJECT: Acquisition of Ontario Realty Corporation (ORC) Surplus Land, 00 North Service Road, located at the intersection of Given Road, North Service Road and Cherry Beach Road, Stoney Creek (PED08181) (Ward 10)

RECOMMENDATION:

(a) That the Mayor and City Clerk be authorized and directed to execute the Agreement of Purchase and Sale between the Ontario Realty Corporation (ORC), acting as agent on behalf of Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal and the City of Hamilton, those lands comprising an area of approximately 1.5 acres, described as being Part of Lot 18, Broken Front Concession, formerly in the Geographical Township of Saltfleet, City of Stoney Creek, now in the City of Hamilton, designated as Part 1 on Plan 62R-15709, being PIN 17346-0252(LT) and more particularly shown on Appendix “A” and “B” attached to Report PED08181 at a purchase price of $9,100 plus other associated costs.

(b) That the cost of purchase, plus disbursements of the Provincial surplus land be funded from the Cherry Beach Land Acquisition and Parkland Development Account 4400856144.

(c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.

Tim McCabe
General Manager
Planning and Economic Development Department
SUBJECT: Acquisition of Ontario Realty Corporation (ORC) Surplus Land, 00 North Service Road, located at the intersection of Given Road, North Service Road and Cherry Beach Road, Stoney Creek (PED08181) (Ward 10) - Page 2 of 5

EXECUTIVE SUMMARY:

The former City of Stoney Creek had initiated an acquisition program in the area of Cherry Beach Road for the purpose to facilitate a future waterfront park as shown on Appendix “B”. The acquisition program had been re-affirmed by City Council at its meeting on June 25, 2008, in adopting Item K (i), Private and Confidential, Public Works Committee Report 08-011, Purchase of Properties on Cherry Beach Road, Stoney Creek.

Notice had been received from ORC on January 19, 2007 as to the City’s interest in the lands located at the intersection of Given Road, North Service Road and Cherry Beach Road, containing an area of approximately 1.5 acres as shown on Appendix “A”. Correspondence had been forwarded to ORC advising that the City of Hamilton had an interest in the land.

This report recommends that the Agreement of Purchase and Sale, in the amount of $9,100 plus associated disbursement cost, for the purchase of 1.5 acres, described as being Part of Lot 18, Broken Front Concession, formerly in the Geographical Township of Saltfleet, City of Stoney Creek, now in the City of Hamilton, designated as Part 1 on Plan 62R-15709, being PIN 17346-0252(LT) from Her Majesty the Queen in Right of Ontario as represented by the Minister of Public Infrastructure Renewal and the City of Hamilton, be approved.

BACKGROUND:

The information/recommendation contained in this report primarily affects Ward 10.

Prior to amalgamation, the former City of Stoney Creek had initiated an acquisition program in the area of Cherry Beach Road. The City of Stoney Creek began acquisitions in this area as early as the 1960s and continued into the 1990s. All of these properties were acquired to facilitate a future waterfront park to be established approximately 30 metres west of First Private Road to the eastern limits of the property holdings along Third Private Road, bounded by Lake Ontario to the north and Cherry Beach Road to the south. Most properties in the Cherry Beach Road acquisition area are not serviced with municipal water, sanitary, or storm sewers.

The entire Cherry Beach acquisition area consists of approximately 9.04 acres. At present, the Municipality owns approximately 5.66 acres. The Province of Ontario (Ministry of Transportation) holds 1.52 acres, and 0.93 acres are privately held in 11 small parcels. The private road accounts for the remaining area. Therefore, the City owns 63% of the desired area for the waterfront park. The City-owned properties are shown in Appendix “C”.

The Stoney Creek Official Plan (Subsection A.7.2.5) authorizes the municipality to acquire lands for parkland uses to ensure that an adequate level of open space, recreational services, and facilities are provided as per the Recreation Master Plan.
These acquisitions must be in accordance with the provisions of Subsection F.8 of the Official Plan, which in part permits the acquisition of land given its availability on the open market. It was on this basis that lands were acquired in the 1990s. The subject property is recommended for purchase under the same precedent.

Cherry Beach is a lakefront area, north of the Queen Elizabeth Way between Millen and DeWitt Roads. As per Zoning By-law 3692-92, the subject property is zoned Neighbourhood Development “ND-1” Zone. The site specific zoning amendment restricts the re-development of the subject and other lands in the Cherry Beach acquisition area.

The acquisition of the subject lands is an essential element to the overall waterfront park as the City is working towards amassing the properties within the identified area. The recommended purchase price of $9,100 reflects the appraised market value of the subject lands.

**ANALYSIS/RATIONALE:**

Typically, parkland in new and developing neighbourhoods is identified through the applicable planning process. During the Secondary Plan and Neighbourhood Plan planning process, the location of parks on a City Wide, Community and Neighbourhood classification are identified. In addition, any natural features such as Environmentally Significant Areas, watercourses, hazard lands, woodlots are identified as open space. Through the Secondary and Neighbourhood planning process, new park locations are identified in both new communities and revitalization exercises in older neighbourhoods. Community parks cater to the recreational needs and interests of the residents in a large area around the park. Community parks can be located to capitalize on a unique natural feature, or to provide larger sports facilities to the community. In some cases, the unique physical attributes of a neighbourhood, such as the configuration of roads, existing uses, natural areas, and grading, may also influence the location of parks. In older neighbourhoods, the location of new parks may be deemed more by the availability of suitable land and its potential for acquisition rather than the characteristics identified above.

Parkland needs are determined by the new standards set out in Section C.1.1 of the City’s Official Plan (Official Plan Amendment No. 205 to the former City of Hamilton Official Plan, June 2006) and are based on neighbourhood population (0.7 hectares required per 1000 population for neighbourhood, and community parks). The parkland needs for each neighbourhood are determined for neighbourhood and community parks only; City wide parks serve a broad area beyond the local community and have not been included in the calculations of needs and deficiencies.

The acquisition of parkland is an essential element in guaranteeing the future access of Hamilton’s citizens to open space. The provision of parkland/open space is fundamental in the quality of life for the residents of the City and as a result, land acquisition represents the major priority of park expenditures.
SUBJECT: Acquisition of Ontario Realty Corporation (ORC) Surplus Land, 00 North Service Road, located at the intersection of Given Road, North Service Road and Cherry Beach Road, Stoney Creek (PED08181) (Ward 10) - Page 4 of 5

The former Stoney Creek Official Plan (Subsection A.7.2.5) authorizes the municipality to acquire lands for parkland uses to ensure that an adequate level of open space, recreational services, and facilities are provided as per the Recreation Master Plan. These acquisitions must be in accordance with the provisions of Subsection F.8 of the Official Plan, which in part permits the acquisition of land given its availability on the open market. It was on this basis that lands were acquired in the 1990s.

The acquisition of this property would continue the City’s efforts to acquire additional parkland in accordance with the direction started by the former City of Stoney Creek and, further re-affirmed by City Council to acquire land given its availability on the open market.

**ALTERNATIVES FOR CONSIDERATION:**

An alternative is not to purchase the surplus Provincial land holding. This is not recommended in light of the past direction taken by the former City of Stoney Creek in initiating the acquisition program in the area of Cherry Beach Road for the purpose to facilitate a future waterfront park and, subsequently re-affirmed by City Council at its meeting on June 25, 2008, in continuing with the acquisition strategy.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: The purchase of the lands, plus disbursement costs will be funded from the Cherry Beach Land Acquisition and Parkland Development Account 4400856144.

Staffing: There are no identified staffing implications arising out of this recommendation.

Legal: Legal Services would be required to work with Real Estate to complete this transaction.

**POLICIES AFFECTING PROPOSAL:**

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

The 2007 Public Works Strategic Plan fundamental purpose is to provide safe, strategic and environmentally conscious services that bring our communities to life. Vision 2017’s goal is to be recognized as the centre of environmental and innovative excellence in Canada. The acquisition of the subject parcel for future parkland supports the Public Works Strategic Plan and the plan’s priority of being a Leader in the “greening” and stewardship of the City.
SUBJECT: Acquisition of Ontario Realty Corporation (ORC) Surplus Land, 00 North Service Road, located at the intersection of Given Road, North Service Road and Cherry Beach Road, Stoney Creek (PED08181) (Ward 10) - Page 5 of 5

RELEVANT CONSULTATION:

- Public Works Department, Capital Planning & Implementation Division
- Corporate Services Department, Budgets & Finance

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
Opportunities for physical activity are supported and enhanced. Parks provide important access to recreational opportunities.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Air quality and water quality and quantity are protected. Shoreline stabilization will begin in 2009, and completed once land consolidation is completed and park development proceeds.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced. Waterfront access is an important environmental amenity, and the purchase of properties as they become available is a wise use of funds.

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

BF/sd
Attachments. (3)
LOCATION PLAN

000 North Service Road

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

LEGEND

Subject Lands

SCALE
NOT TO SCALE
DATE 2008-07-24
REFERENCE FILE NO. 2007-005