SUBJECT: Declaration of Surplus Property – Proposed Land Exchange Between the City of Hamilton and The Binbrook Agricultural Society of Part of the Binbrook Agricultural Fairgrounds, Highway 56, former Township of Binbrook, Now in the City of Hamilton (PED06394) (Ward 11)

RECOMMENDATION:

(a) That the lands identified as Part of Lot 1, Block 4 in Concession 3, of the former Township of Binbrook, now in the City of Hamilton, designated as Part 3 on Plan 62R-8666 (forming part of the Binbrook Fairgrounds as shown on Appendix “A” to Report PED06394, attached), having an area of approximately 1.159 hectares (2.866 acres), be declared surplus to the requirements of the City.

(b) That an existing access easement over lands owned by the Binbrook Agricultural Society, described as Part 4, Plan 62R-8666 (as shown on Appendix “A” to Report PED06394) providing access to Part 3, Plan 62R-8666, be quit-claimed.

(c) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to facilitate a land exchange with The Binbrook Agricultural Society and the City of Hamilton of the land described in Recommendation (a) in exchange for Parts 1 and 4 (together with supporting easements over Parts 2, 3 and 5), as illustrated on draft survey Plan No. RC-G-594 dated July 14, 2006, attached hereto as Appendix “B” to Report PED06394.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The Real Estate Section of the Planning and Economic Development Department is seeking City Council’s approval to declare the land described as Part 3, Plan 62R-8666 surplus to the City’s requirements. Pursuant to such an approval, the Real Estate Section intends to exchange these subject lands at nominal value ($2.00) for lands it requires from The Binbrook Agricultural Society, to resolve two issues:

- Binbrook Memorial Hall encroachment
- Shortage of parkland parking

BACKGROUND:

By way of amalgamation, the City of Hamilton took ownership of property municipally recognized as the Binbrook Memorial Hall, at 2600 Hwy. 56 and a parcel of land described as Part 3, Plan 62R-8666; both properties adjoining the Binbrook Fairgrounds.

Upon transfer of ownership, title investigations carried out by the City revealed that approximately one-half of the building footprint of Memorial Hall encroaches onto the property of The Binbrook Agricultural Society (refer to Part 1, Plan RC-G-594 in Appendix “B”).

Part 3 on Plan 62R-8666, landlocked with no frontage on a municipal road, was acquired by the Township of Binbrook from The Binbrook Agricultural Society in 1920. The entire site is enclosed within the limits of an existing race track, surrounded on all sides by the lands of The Binbrook Agricultural Society. This parcel is improved with three agricultural buildings and lit baseball diamonds. The baseball diamonds are seasonally permitted by the City to various users.

Neither of the above properties is really marketable or capable of being offered for sale to an open, competitive market, given their unique situations, with one being landlocked, and Memorial Hall being substandard in size with a rear property line that bisects the building. In terms of value to the City, the two parcels are presently only saleable to the adjoining owner, being The Binbrook Agricultural Society.

Encroachment

To resolve the encroachment of Memorial Hall, City staff has reached an agreement with The Binbrook Agricultural Society wherein the City will convey Part 3, Plan 62R-8666 in exchange for Part 1, Plan RC-G-594 being the lands required to resolve the Memorial Hall encroachment. As part of this exchange, the City will also receive a permanent easement over Part 2, Plan RC-G-594 to facilitate future maintenance of Memorial Hall.
Parking and Parkland Enhancement

Adjoining the south limit of the Binbrook Fairground property is municipal land commonly known as the Blackheath Binbrook Lions Park, which currently supports passive recreational activities and baseball diamonds. For baseball tournaments, parking on City lands has been limited and overflowing onto the property of the fairgrounds.

To address this parking problem, The Binbrook Agricultural Society has agreed to convey to the City, Part 4 on Plan RC-G-594, together with a supporting easement for ingress/egress, shown as Parts 3 and 5 on Plan RC-G-594.

If The Binbrook Agricultural Society ever decides to sell its holding, Parts 3 and 5 on Plan RC-G-594 will be transferred to the City, at no cost, to secure the City’s interest in its parking area on Part 4, Plan RC-G-594.

As part of the 2003 Capital budget process, Council approved $80,000 funding from the Former Township of Glanbrook Capital Reserve-108033 for the replacement of baseball lights at the Binbrook Fairgrounds. These funds can be utilized to enhance the ball diamonds on the Blackheath Binbrook Lions Park at the south limit of the fairgrounds. Request for the transfer will be part of the 2007 Capital Budget process.

**ANALYSIS/RATIONALE:**

Approval of the recommendation by Council will authorize Real Estate staff to proceed with the conveyance of Part 3, Plan 62R-8666 and resolve the encroachment and parking issues.

**ALTERNATIVES FOR CONSIDERATION:**

Given that there is no municipal core use identified for Part 3, Plan 62R-8666, the alternative to disposal is to retain the property and continue to pay the maintenance costs associated with this property.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** An estimate of the respective property values has determined that the difference in value between the BAS and City properties is negligible.

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

**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. By-law #04-299 notes that City Council must first declare surplus any lands to be disposed of by the City.

RELEVANT CONSULTATION:

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section completed a circulation to the relevant City Departments requesting comments on the subject land. No municipal uses were identified for the subject property.

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
Municipal decision-making, land use and zoning by-law controls are in place to identify and protect significant natural areas.

Economic Well-Being is enhanced. ☑ Yes ☐ No
A City that spends wisely and invests strategically.
Investment in Hamilton is enhanced and supported.

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

:DC
Attachs. (2)
Appendix ‘A’ to Report PED06394 (Page 1 of 1)

KEY MAP

Appendix “A”

Part 3, Plan 62R-8666

CITY OF HAMILTON
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

LEGEND

SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2006-09-27

REFERENCE FILE NO:
2004-126