SUBJECT: Declaration of Surplus Property and Sale of 65 King Street West, in the Former City of Stoney Creek (PED07073) (Ward 9)

RECOMMENDATION:

(a) That the City land identified as 65 King Street West, being Parcel A on Plan 1010, having a frontage of 4.57 metres (15.0 feet) along the south side of King Street West and a lot depth of 79.55 metres (261.0 feet), as shown on Appendix “A” to Report PED07073, in the former City of Stoney Creek, 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 negotiate the sale of the subject lands, as shown on Appendix “A” to Report PED07073, save and except for the required road widening, at fair market value to the abutting land owners of 63 King Street West, 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 deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

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, less the 3.048 metres (10.0
Subject: Declaration of Surplus Property and Sale of 65 King Street West, in the Former City of Stoney Creek (PED07073) (Ward 9) - Page 2 of 3

feet) required for road widening purposes on King Street West, and to direct the sale of the lands to the abutting owner of 63 King Street West, at fair market value. The subject parcel is located east of Battlefield Park and is described as Parcel A on Plan 1010, having a frontage of 4.57 metres on King Street West (15.0 feet) and a depth of 79.55 metres (261.0 feet) along Battlefield Drive.

BACKGROUND:

The recommendations contained within this report primarily affect Ward 9.

In 1954, municipal approval was given to a plan of subdivision, known as Battlefield Park Survey, in which Parcel A was to be conveyed to the former Town of Stoney Creek as a condition of approval. In 1987, it was discovered that ownership of Parcel A remained with Abbotsford Homes Limited, and in order to correct title, the lands were then conveyed to the former City of Stoney Creek pursuant to the terms of the agreement. Since then, the City has been responsible for the maintenance of the subject parcel.

The owner of 63 King Street West has made application to the City of Hamilton’s Committee of Adjustment for the creation of two residential building lots fronting onto Battlefield Drive. The two lots to be created by consent propose lot frontages of approximately 15.2 metres (49.87 feet) fronting onto Battlefield Drive and having lot depths of approximately 25.3 metres (83.00 feet).

In that the proposed lots are surrounded by privately owned land with no access or frontage to a public highway (Battlefield Drive), the abutting owner’s land is landlocked. Therefore, in order for the abutting owner to create the proposed residential lots, the owner requires ownership of the City’s lands. In the event that the abutting owner is unable to purchase the subject lands, the application before the City of Hamilton’s Committee of Adjustment cannot be approved.

If approval is given to declare the City’s land holding surplus, a 3.048 metre road widening is required to be retained by the City and the remaining parcel could be sold to the abutting owner of 63 King Street West, at market value.

ANALYSIS/RATIONALE:

Other than retaining the 3.048 metres for road widening, there is no municipal requirement for the remaining subject lands.

The subject lands do not contribute to the core business of the City of Hamilton and in declaring it surplus, negotiations may begin regarding its disposal.

ALTERNATIVES FOR CONSIDERATION:

If Council does not choose to declare the lands surplus to the requirements of the City of Hamilton, there could be an annual property tax loss of approximately $4,000 per lot.
if the lands were developed for residential purposes. The sale of the subject will also relieve the City of its financial obligation for maintenance and liability of the subject lands.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

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

**Staffing:** There is no staffing implications 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:**

All City of Hamilton Departments have been notified of the surplus status of the subject lands and none have shown interest or objected to the sale of the subject lands except for the need to retain 3.048 metres (10.0 feet) for road widening purposes.

**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 and development opportunities contribute to the strategic goal of a City of Growth and Opportunity.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Additional residential development and investment in Hamilton is facilitated by the declaring of the land surplus to City requirements.

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
Attach. (1)