SUBJECT: Declaration of Surplus Property of City Owned Lands Described as Part of Lot 29, Concession 2, Municipally Known as 000 Pottruff Road North (PED08058) (Ward 5)

RECOMMENDATION:

(a) That the subject lands municipally known as 000 Pottruff Road North, being composed of Part of Lot 29 in Concession 2, comprising an approximate area of 400 square metres (4,300 square feet), outlined in Appendix “A” to Report PED08058, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law 04-299.

(c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

Tim McCabe
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 and direct Real Estate staff to negotiate the sale of the subject lands.

BACKGROUND:

This is a vacant sliver of land with a frontage of 20 feet and a depth of approximately 215 feet, situated on the west side of Pottruff Road North, directly opposite Ede Street. The rear limit of this parcel overlooks the east limit of the Red Hill Valley Parkway. This is the last remaining parcel from an early scheme for a traffic circle at Pottruff Road North. The City has since held on to this property and recently used it as a point of access to the valley land during construction of the Red Hill Valley Expressway.

Although the property is zoned “B/S-923” – Suburban Agricultural and Residential, the lot width and lot area are deficient and do not conform to the minimum requirements as prescribed by Zoning By-law No. 6593. Accordingly, the only prospect for this property is that of merging it with adjoining lands.

During 2007, the City received correspondence from the property owners at 213 and 225 Pottruff Road North which adjoin the subject property to the north and south. Each of these owners has confirmed an interest in acquiring the parcel for the purposes of extending their side yards.

The Real Estate Section completed a circulation to all City Departments and as there was no municipal interest; staff is moving forward with declaring the lands surplus and disposing of the lands to the two adjoining owners.

ANALYSIS/RATIONALE:

Declaring the land surplus would allow Real Estate staff to continue with the disposal of the property, which could generate additional property tax revenue, and relieve the City from any further maintenance and/or liability issues.

ALTERNATIVES FOR CONSIDERATION:

If the City of Hamilton denied this request to declare 000 Pottruff Road North surplus, the City would retain a non-productive asset and continue the cost of its maintenance. As well, a liability could arise since this parcel may be used by pedestrians to gain access from Pottruff Road to the valley lands along the Red Hill Valley Expressway. At this point, the elevation from the top of bank to the valley lands below is considerable.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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

**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. Planning staff has indicated that this parcel is undevelopable.

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
  - To eliminate risk and legal liabilities resulting from trespass.

- **Economic Well-Being is enhanced.** ☑ Yes ☐ No
  - Surplus dedication would allow sale of a surplus asset and enhance the property tax base.

**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/sd
Attach. (1)