OBJECT: Declaration of Surplus Property and Sale of Part of Municipal Car Park No. 8, (East of 283 King Street East, Hamilton) Part 2, on Draft Plan BA-784 (PED05118) (Ward 2)

COMMENDATION:

(a) That the subject land, a 0.6 metre (1.968 foot) strip along the westerly limit of Municipal Car Park (MCP) No. 8, north of King Street East, having an approximate total area of 18.424 square metres (198.329 square feet), more or less, municipally identified as part of 289, 293 and 297 King Street East and 12 Jarvis Street, in the Beasley Neighbourhood, legally described as Part 2 on Draft Plan BA-784, (as shown on Appendix “B” to Report PED05118), 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 sell the subject lands, at fair market value, 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 Parking System Capital Reserve Account No. 108021.

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, municipally known as part of 289, 293 and 297 King Street East and 12 Jarvis Street, (MCP No. 8) 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 west located at 283 King Street East.

BACKGROUND:

The subject property is located on the north side of King Street East, between Ferguson Avenue North and Wellington Avenue North, in the Beasley Neighbourhood. The subject site is currently zoned Downtown Prime Retail Streets “DZ” Zone within the City of Hamilton Zoning By-law 05-200, as adopted by City Council on May 25, 2005. The subject land is designated “Downtown Hamilton” in the City of Hamilton Official Plan and “Prime Retail Streets” in the Downtown Secondary Plan.

Hamilton Municipal Parking System received an inquiry from PEIL, Planners, Consulting Engineers & Landscape Architects, for a 0.6 metre (1.968 foot) encroachment along the east side of 283 King Street East, which is the westerly limit of MCP No. 8 on the north side of King Street East. The applicant indicated that the encroachment was required to facilitate renovations and construction of a new entrance to the building located at 283 King Street East, which included a new easterly façade. Due to the permanent nature of the façade, it has been determined that it is in the best interest of the City to sell the subject parcel to the owners of 283 King Street East, thus eliminating risk and liability on the part of the City associated with the property.

The Transportation Master Plan and the Downtown Secondary Plan indicates that Jarvis Street is to be extended through MCP No. 8 to King Street East.

ANALYSIS OF ALTERNATIVES:

The alternative to the disposal of the land is the continued use as part of MCP No. 8.

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 and the City will no longer be liable for the property. The disposal will advance the objectives of downtown revitalization.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - If this recommendation is approved, staff will undertake the necessary steps to dispose of the subject property at fair market value. The net proceeds from the sale of this property will be deposited to the Parking Capital Reserve.

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 under-utilized Real Estate assets and to assist in revitalizing the Downtown Core.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Real Estate Section completed a circulation to all City Departments requesting if there was a City need for the subject parcel. All comments indicated that there were no municipal requirements for the property.

From the Department of Planning and Economic Development's perspective:

- The Municipal Parking System has no objection to the sale of the 0.6 metre (1.968 foot) strip along the westerly limit of MCP No. 8.

- The natural future alignment of Jarvis Street from King William Street to King Street East would not restrict the disposal of the 0.6 metre (1.968 foot) subject parcel, as the parallel extension of Jarvis Street would be east of the existing west curb.

- Offering this piece of land, at fair market value, to the adjacent owner would facilitate renovations and construction of a new entrance to the commercial building at 283 King Street East. This would advance the objectives of downtown revitalization.

Public Works has indicated that although there is a preference to maintain a diameter of 1.0 metre (3.280 feet) around a hydro pole, they could accept the proposed 0.6 metre (1.968 foot) area due to the disposal of the lands.
Operations and Maintenance commented the sale of Part 2, on Draft Plan BA-784 (as shown on Appendix “B” to Report PED05118 attached), should not reduce the pedestrian walking area below the minimum requirements, between the building located at 283 King Street East and the parking spaces immediately adjacent to the walkway in MCP No. 8.

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.”

: MS
Attachs. (2)
APPENDIX “A” TO REPORT PED05118

KEY MAP

LOCATION PLAN

CITY OF HAMILTON
Part of MCP No. 8
(east of 283 King St. E.)
Planning and Economic Development Department
REAL ESTATE SECTION

LEGEND

SUBJECT LAND

NOT TO SCALE 2005-09-15

REFERENCE FILE NO: 2005 137

Subject Lands Location