SUBJECT: Declaration of Surplus Property of City Owned Lands Described as Rockton Livery Stable, Part of Lot 20, Concession 4, Plan 335, Lot 7 & Part Lot 6, Municipally Known as 11 Carruthers Lane (PED08071) (Ward 14)

RECOMMENDATION:

(a) That the Rockton Livery Stable be severed from lands municipally known as 11 Carruthers Lane, Rockton; that consists of the former Township of Beverly Hall, Rockton Library, Rockton Fire Hall and old Fire Hall in addition to the Rockton Livery Stable, being composed of Part Lot 20 Concession 4, Lot 7 and Part Lot 6, Plan 335, Village of Rockton Survey in the former Township of Beverly now in the City of Hamilton, and to have an approximate area of 1,408 square metres (15,155 square feet), as depicted in the attached Appendix “A” to Report PED08071 (final property limits to be determined upon completion of survey), together with a Right of Way as detailed in sub-section (e) below, with both the lands and Right of Way being 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).

(d) That as a condition of sale, a Heritage Easement be registered on title.
Subject: Declaration of Surplus Property of City Owned Lands Described as Rockton Livery Stable, Part of Lot 20, Concession 4, Plan 335, Lot 7 & Part Lot 6, Municipally Known as 11 Carruthers Lane (PED08071) (Ward 14) - Page 2 of 4

(e) That a Right of Way Easement be granted across the driveway between the Rockton Library and 791 Old Highway 8 as depicted in Appendix “A” to provide road frontage off Old Highway 8 to the proposed severed parcel of Rockton Livery Stable, and as a condition of sale, a maintenance agreement be registered for the maintenance of the said Right of Way.

(f) That as a condition of sale, the Purchaser be required to make application to re-zone the subject parcel to an appropriate zone at the Purchaser’s expense.

______________________________
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:

The former livery stable was built c. 1850 at the rear of the Haley House Hotel. The stone building with post and beam wood structural members is a rare surviving example of an ancillary building to the former Haley House Hotel, now Rockton General Store at 791 Old Highway 8.

The property came into public ownership as early as 1945 when the Township of Beverly used the building as a Fire Hall. Formerly designated under Part IV of the Ontario Heritage Act in 1982 (By-Law 82-81-H), the building was used by the former Town of Flamborough for limited storage purposes before being de-designated in July 2000 under By-Law 2000-106-H and approved for demolition. At the time, consideration was given to relocate the stable to Westfield Heritage Village, however the estimated cost of $300,000 - $500,000 was considered prohibitive. The Flamborough LACAC suggested the estimated cost to rehabilitate the building to a useable state would exceed $100,000 without a committed use for the building. The building has not been actively used in over 30 years, is in state of disrepair, and remains vacant.

On November 14, 2007 Council adopted Item 21 (PED07019) whereby a motion from LACAC (Municipal Heritage Committee) requested that Economic Development and Planning Committee investigate the feasibility of revoking the direction of the Council of the former Town of Flamborough to demolish the Rockton Livery Stable.
To address a number of concerns and issues, the disposal of the subject parcel would be subject to the following conditions. In effort to preserve the Livery Stable from demolition, as a condition of sale, a heritage easement would be registered on title. If required, the Purchaser would be eligible to apply for a Heritage Trust Loan up to $50,000 at 0% interest for 10 years as set out in the Hamilton Community Heritage Fund. Current zoning restricts the use of land to a Public Body. As a condition of sale, the Purchaser will be required to apply to re-zone the subject parcel from “P” – Public Use to a zone to permit an appropriate use. To limit the impact on the remnant parcel, and address access and parking requirements to the Rockton Library and Fire Hall, a Right of Way Easement is also recommended to be declared surplus and will be granted across the driveway between the Rockton Library and 791 Old Highway 8 as depicted in Appendix “A”. Carruthers Lane is an unopened road and without the Right of Way Easement, on its own, the severed parcel would be landlocked. The easement will provide road frontage off Old Highway 8. To avoid maintenance costs to the municipality, as a condition of sale, a maintenance agreement will be registered for the maintenance of said Right of Way.

The Real Estate Section completed a circulation to all City Departments and the Ward Councillor. As there was no municipal interest; staff is moving forward with declaring the lands surplus and to facilitate disposal of the lands.

**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, alleviate liability issues and conserve the heritage building.

**ALTERNATIVES FOR CONSIDERATION:**

If the City of Hamilton denied this request to declare the Rockton Livery Stable surplus, Real Estate staff will be unable to dispose of this property creating a liability issue since the City is responsible for the parcel and the building thereon. As a result of the City retaining ownership of the lands, there will be continued maintenance costs and/or eventual demolition costs for the heritage structure and no increase in property tax revenue.

**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. Development Planning staff has indicated support for this parcel to be re-zoned for commercial purposes. Community Planning and Design, Cultural Heritage staff have indicated that the stone Livery Stable has cultural heritage value and would therefore support the disposition of the property if the conditions included the retention of the structure and heritage easement.

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
Arts, cultural, archaeological and cultural heritage are supported and enhanced.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Encourage the conservation and protection of heritage properties. Eliminates City risk and legal liabilities resulting from trespass.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Surplus dedication would allow sale of a surplus asset. Identifying heritage properties can provide economic opportunities for revitalization and rehabilitation often involving upkeep of properties, employing local trades and contractors and contributing to increased property taxes.

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

FA:sd
Attach. (1)
Proposed R.O.W. over driveway between Rockton Library & 791 Old Highway 8

Community Hall & Library.

Proposed Severed Parcel to consist of former Livery Stable

Well – serves the fire hall & library – need a minimum 20' clear perimeter circle for access & well maintenance

Rockton Fire Hall

Old Fire Hall