TO: Mayor and Members
General Issues Committee

WARD(S) AFFECTED: Ward 12

COMMITTEE DATE: August 13, 2012

SUBJECT/REPORT NO:
Declaration of Surplus Property – Proposed Land Exchange between City of Hamilton (50 Wilson Street East) and 121757 Ontario Ltd. (Ross Andrews) (240 Wilson Street East), Land Required for a Daylight Triangle in the Former Township of Ancaster, Now in the City of Hamilton (PED12119) (Ward 12)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Adam Millington
(905) 546-2424, Ext. 7024

SIGNATURE:

RECOMMENDATION:

That an exchange of lands between the City of Hamilton and 121757 Ontario Ltd. (Ross Andrews) be approved on the following basis:

(a) That vacant lands municipally known as Part of 50 Wilson Street East (Stoneham Park), identified as Part of Lot 44, Concession 2, in the former Geographic Township of Ancaster, now in the City of Hamilton, designated as Part 1 on Plan 62R-19282, having an area of approximately 19 square metres (205 square feet), (as shown on Appendix “A” attached to Report PED12119), and valued at $7,500 be declared surplus to the requirements of the City;

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to exchange with 121757 Ontario Ltd. (Ross Andrews) the land described in Recommendation (a) for lands forming Part of 240 Wilson Street East, Ancaster,
described as Part 1 on Plan 62R-19196, being Part of Lot 44, Concession 2 of the former geographic Township of Ancaster, (as shown on Appendix “A” attached to Report PED12119) having an area of approximately 19 square metres (205 square feet), valued at $7,500;

(c) That consideration of $7,500 does not include the Harmonized Sales Tax (HST), and should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);

(d) That the sum of $4,190 be funded from Account Number 4031219101 (2012 Road and Sidewalk Reconstruction Program) and credited to Account No. 45408-3560150200 (Property Purchases and Sales) being the costs incurred for real estate services, appraisal services and legal expenses;

(e) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That in accordance with the approved method of providing notice in the City of Hamilton By-law No. 04-299 “Procedural By-Law for the Sale of Land”, notice has been given to the Public by way of inclusion of the land sale on the agenda of Committee recommending to Council the sale of the land;

(ii) That the subject lands be declared surplus by inclusion of Report PED12119 to Council;

(iii) That a Real Estate Appraisal was completed on the property described in Recommendation (a) on January 5, 2012, and for the lands described in Recommendation (b) on May 19, 2012, complying with the requirement for an Appraisal under Section 3 (b) of the City of Hamilton By-law No. 04-299 “Procedural By-law for the Sale of Land”.

### EXECUTIVE SUMMARY:

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking City Council’s approval to declare the land described in Recommendation (a) surplus to the City’s requirements. Real Estate Section intends to exchange this parcel for lands it requires from 121757 Ontario Ltd. (Ross Andrews), to rectify an existing sidewalk encroachment.

**Alternatives for Consideration - Page 4**
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Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**Financial:** The subject land acquisition was approved by Council as part of the 2012 Capital Budget deliberations. The Capital Project is “Road and Sidewalk Reconstruction Program” – Account No. 4031219101.

**Staffing:** N/A

**Legal:** Legal Services will be required to assist in the preparation of the necessary documents required to complete the transaction as set out herein.

**HISTORICAL BACKGROUND:**

In November 2011, Economic Development and Real Estate staff made contact with 121757 Ontario Inc. (Ross Andrews), owner of 240 Wilson Street East regarding the possibility of acquiring a daylight triangle to rectify an existing sidewalk encroachment on his property. In turn, staff was contacted by Mr. Andrews’s representative who proposed a land exchange for City lands that would facilitate future expansion of his client’s commercial plaza. The subject parcels in this proposed exchange are briefly described below.

**Part of 50 Wilson Street East (Stoneham Park),** owned by the City, forms part of a trail that runs from Wilson Street East to Halson Street. From this holding, staff is recommending the transfer of a 1.523 meter x 12.1 meter strip of open space area that lies between the travelled portion of the trail and a hydro substation located at the rear of 240 Wilson Street East. Mr. Andrews has received confirmation from Horizon Utilities that he will be given the opportunity to purchase the substation upon de-commissioning. Once acquired, the City and substation lands will merge with 240 Wilson Street East for additional parking. The total value of the City owned parcel is $7,500.

**Part of 240 Wilson Street East,** owned by Mr. Ross Andrews since 1985, is a 3,841 square metre (.949 acre) commercial plaza situated on the south-west corner of Wilson Street East and Halson Street; the property is zoned “C3” (General Commercial).

From this holding, the City requires a 19 square metre (205 square feet) daylight triangle to legalize an existing sidewalk encroachment. Being less than 5% of this holding, the amount of land required from Mr. Andrews is considered nominal and will not impact his current use of the property. The total value of the land required by the City from Mr. Andrews is $7,500.
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POLICY IMPLICATIONS:

- Real Estate Portfolio Strategy Plan
- Growth Related Integrated Development Strategy
- Building a Strong Foundation

RELEVANT CONSULTATION:

- Legal Services Division, Corporate Services Department
- Landscape Architectural Services, Public Works Department
- Environmental Services, Public Works Department
- Ward Councillor

ANALYSIS / RATIONALE FOR RECOMMENDATION:

Rectifying the existing sidewalk encroachment will relieve Mr. Andrews from current liability and allow the City to take title to its infrastructure.

ALTERNATIVES FOR CONSIDERATION:

Should Council decide not approve the proposed land exchange, clear title to the sidewalk cannot be obtained leaving both parties open to potential liability.

CORPORATE STRATEGIC PLAN:


Financial Sustainability

- Financially sustainable City by 2020 and generate assessment growth.

APPENDICES / SCHEDULES:

Appendix “A” to Report PED12119 – Location Map

AM/sd