SUBJECT: Declaration of Surplus Property of City Owned Lands Described as Part of Lot 45 Plan 327, Municipally Known as 216 Burlington Street East (PED08013) (Ward 2)

RECOMMENDATION:

(a) That the subject lands municipally known as 216 Burlington Street East, being composed of Parts 1 & 2 on Plan 62R-17882, registered as Part of Lot 45 on Plan 327, City of Hamilton, subject to a right of way over Part 2 on Plan 62R-17882, comprising an approximate area of 372 square metres (4,004 square feet), attached as Appendix “A” to Report PED08013, 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.
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:

Due to a failed Property Tax Arrears Sale, the subject property on November 9, 2006 was vested to the City by Instrument No. VM270726. The property is a Lot of Record, located in the North End East Neighbourhood, zoned “D” (Urban Protected Residential). Due to the parcel’s limited road frontage, the City sought relief from the side yard provisions of Zoning By-Law No. 6593, under section 45 of the Planning Act, R.S.O. 1990, so as to permit construction of a single detached dwelling unit. The City of Hamilton’s Committee of Adjustment granted relief to the minimum side yard regulation on April 18, 2006 under Application No. HM/A-07:69 Submission No. A-69/07.

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 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 maintain the current lot depth fabric of the lands in the North End East Neighbourhood.

ALTERNATIVES FOR CONSIDERATION:

If the City of Hamilton denied this request to declare 216 Burlington Street East surplus, Real Estate staff will be unable to dispose of this property creating a liability issue since the City is responsible for the parcel. As a result of the City retaining ownership of the lands, there will be continued maintenance costs and no increase in revenue and tax dollars related to the parcel.

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 may be used for residential purposes, being a lot of record.

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 illegal dumping.

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

FA/sd
Attach. (1)