CITY OF HAMILTON

NOTICE OF MOTION

Council Date: March 23, 2011

MOVED BY COUNCILLOR FARR.................................................................

That the following items from the March 22, 2011 meeting of the General Issues Committee be added to the March 23, 2011 meeting of Council:

(a) Report of the 2010 Remuneration and Expenses as required under Section 284 of the Municipal Act (FCS110321) (City Wide) (Item 5.3 of March 22, 2011 GIC Agenda)

(b) Ontario Realty Corporation (ORC) Surplus Land – Project 8093 – Located at 1831 Rymal Road East/99 Highland Road West, described as Part of Lots 33 and 34, Concession 8, former Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9) (Item 5.7 of March 22, 2011 GIC Agenda)

(c) Acquisition of Part of 1389 Wilson Street West, Ancaster, from Her Majesty the Queen in Right of Ontario, as represented by the Minister of Infrastructure (PED11043) (Ward 12) (Item 5.8 of March 22, 2011 GIC Agenda)

(d) Declaration of Surplus and Sale of Part of 306 Woodworth Drive, Ancaster, to Benemar Construction Inc. (Mark and Robert DeBenedictus) (PED11056) (Ward 12) (Item 5.12 of March 22, 2011 GIC Agenda)

(e) Dr. Bob Kemp Hospice Outstanding Loan (FCS10092(a)) (City Wide) (Item 8.4(2) of March 22, 2011 GIC Agenda)
CITY OF HAMILTON
MOTION

Committee Date: March 23, 2011

MOVED BY ........J. FARR.................................................

Report of the 2010 Remuneration and Expenses as required under Section 284 of the Municipal Act (FCS11021) (City Wide) (Item 5.3)

That Report FCS11021 respecting Report of the 2010 Remuneration and Expenses as required under Section 284 of the Municipal Act, be received.
CITY OF HAMILTON
MOTION

Committee Date: March 23, 2011

MOVED BY ........J. FARR.................................................................

Ontario Realty Corporation (ORC) Surplus Land – Project 8093 – Located at 1831 Rymal Road East/99 Highland Road West, described as Part of Lots 33 and 34, Concession 8, Former Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9) (Item 5.7)

(a) 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 advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 1831 Rymal Road East/99 Highland Road West, legally described Part of Lots 33 and 34, Concession 8, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED11039;

(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 advise the ORC of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” attached hereto as Appendix “A”.

CITY OF HAMILTON
M O T I O N

Committee Date:  March 23, 2011

MOVED BY ........J. FARR.................................................................

Acquisition of Part of 1389 Wilson Street West, Ancaster, from Her Majesty the Queen in Right of Ontario, as represented by the Minister of Infrastructure (PED11043) (Ward 12) (Item 5.8)

(a) That the Real Estate Section of the Economic Development and Real Estate Division be authorized and directed to submit an Offer to Purchase in the amount of $610,000, to Her Majesty the Queen in Right of Ontario, as represented by the Minister of Infrastructure, those lands described as Part Lot 33, Concession 3, in the former Town of Ancaster now in the City of Hamilton, having an area of 0.93 hectares (2.31 acres) more or less, and being part of PIN 17418-0068, known municipally as 1389 Wilson Street West, as shown on Appendix “A” attached to Report PED11043;

(b) That subject to approval of Recommendation (a), the total acquisition costs in the amount of $610,000 (including purchase price, Legal fees, Real Estate and appraisal costs) be charged to Capital Project ID 59259-5180880681;

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

(d) That the costs incurred for the provision of Real Estate’s service in the amount of $19,520, be credited to Account 45408-3560150200 (Property Purchases and Sales) and debited from Project ID 59259-5180880681.
CITY OF HAMILTON
MOTION

Committee Date: March 23, 2011

MOVED BY ........J. FARR..............................................................

SECONDED BY .................................................................

Declaration of Surplus and Sale of Part of 306 Woodworth Drive, Ancaster, to Benemar Construction Inc. (Mark and Robert DeBenedictus) (PED11056) (Ward 12) (Item 5.12)

(a) That the subject land, being a portion of 306 Woodworth Drive in the former Village of Ancaster and described as Parts 4 and 5 on Plan 62R-18331, comprising an area of 7,820 square metres (1.93 acres) more or less, forming part of PIN 17436-0151 (LT) and part of PIN 17436-0137 (LT), and part of Roll No. 250310011017400 (as shown on Appendix “A” attached to Report PED11056) be declared surplus to the requirements of the City of Hamilton in accordance with the Procedural By-law for the Sale of Land, By-law 04-299;

(b) That an Offer to Purchase executed by Benemar Construction Inc., on February 4, 2011, and scheduled to close on or before June 15, 2011, for the lands described in recommendation (a) be approved and completed, subject to the conditions described in recommendation (e) and the sale proceeds of $1,668,070 be credited to Grange School Project ID 47702-4400556595; minus the administrative, legal and advertising expenses in the amount of $70,337 to be deposited into account 45408-3560150200; and that demolition costs in the amount of $80,000 be charged to Grange School Project ID 4400556595. Furthermore, the net sale proceeds after disbursements are to be transferred from Grange School Project ID 4400556595 and credited to the Ancaster Capital Reserve - Account No. 108030;
(c) That the required deposit cheque in the amount of $166,807, being 10% of the purchase price, be held by the General Manager of Finance pending acceptance of this transaction;

(d) That the sale price of $1,668,070 does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828 009000 (HST Payable);

(e) That the sale is subject to the following conditions included in the Offer to Purchase Part of 306 Woodworth Drive;

(i) This Offer to Purchase shall be conditional for a period of sixty (60) days from the date of acceptance of this Offer to Purchase by the City (“the Conditional Period”), to allow the Purchaser to enter upon the subject lands for the purposes of carrying out physical and environmental inspections (hereinafter the “Environmental Assessment”), investigations and testing pursuant to the Authority to Enter provided by the City to the Purchaser, which Authority to Enter is attached as Schedule “C”. An executed copy of Authority to enter shall be delivered to the City concurrently with the delivery to the Purchaser of an executed copy of this Agreement;

(ii) It is further understood and agreed by the Purchaser that in the event the City grants the Purchaser’s request to extend the conditional period for a further 60 days, the closing date of this transaction will automatically be extended by 60 days;

(iii) The Transferee shall apply for and receive final approval of a site plan and draft plan of condominium in accordance with the desired design concept herein attached as Schedule “B”, for the said land with the City of Hamilton, if required by the City of Hamilton, at its own cost;

(iv) The Transferee shall commence construction of a building(s) by not later than twelve (12) months from the Closing Date, subject to force majeure and delays attributable to the Transferor. Construction is considered commenced when the foundations have been installed as determined by the City of Hamilton Building Services Division;

(v) The Transferee shall complete construction of the said building(s) not later than two (2) years from the Closing Date subject to force majeure and delays attributable to the Transferor. The building(s) are considered completed upon the satisfactory final inspection by the City of Hamilton Building Services Division;
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, if required, incorporating the following:

(i) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this Report to City Council;

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on December 8, 2010 and the sale price falls in the range of value of the appraisal;

(iii) 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”, Section 12 (a) (1) by publication of the notice in a newspaper having general circulation within the municipality in which the land is located, Section 12 (a) (3) by posting a “For Sale” sign on the land proposed to be sold, and Section 12 (a)(6), notice to the public of the proposed sale of land is given by inclusion of the recommendation by City Council to approve the sale of surplus lands.
CITY OF HAMILTON
M O T I O N

Committee Date: March 23, 2011

MOVED BY ........J. FARR.................................................................

SECONDED BY ...........................................................

That the following be added as Motion 7.5:

7.5 Dr. Bob Kemp Hospice Outstanding Loan (FCS10092(a))
(City Wide) (Item 8.4(2) of March 22, 2011 GIC Agenda)

(a) That the outstanding loan to the Dr. Bob Kemp Hospice
Foundation Inc. in the amount of $1,500,000 be converted
to an Interest-Free Forgivable Loan;

(b) That the Interest-Free Forgivable Loan be secured by the
City with a first mortgage registered against the Hospice’s
property at 277 Stone Church Road East;

(c) That the Interest-Free Forgivable Loan be for a term of 20
years;

(d) That the City enter into a Forgivable Loan Agreement with
the Dr. Bob Kemp Hospice Foundation Inc. on the terms
set out in Report FCS10092(a), attached hereto as
Appendix A, and satisfactory to the General Manager,
Corporate Services and the City Solicitor;

(e) That the Mayor and Clerk be authorized to execute the
said Forgivable Loan Agreement.