SUBJECT: City of Hamilton Purchase of 521 Highland Road West, Described as Part of Lot 33, Concession 8, in the Former City of Stoney Creek, now in the City of Hamilton from Kris-Anne and Anthony Huybens (PED08122 / PW08051) (Ward 9)

RECOMMENDATION:

(a) That an Option to Purchase, executed by Kris-Anne and Anthony Huybens on February 28, 2008, and scheduled to close on or before June 13, 2008 to purchase the land described as Part of Lot 33, Concession 8, in the former City of Stoney Creek, now in the City of Hamilton, known municipally as 521 Highland Road West, Hamilton (shown on the attached Appendix “A” to Report PED08122 / PW08051), be approved and completed, and the purchase price of $305,000 be charged to Account No. 5140771074 (Annual Contingency for Unscheduled Works).

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to Corporate Counsel.
(d) That upon City Council approval of the purchase of 521 Highland Road West, the Director of Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 5140771074 (Annual Contingency for Unscheduled Works).

(e) That the sum of $8,000 be funded from Account No. 5140771074 and credited to Account No. HAMTN 47702-3560150200 (Capital – Property Purchases and Sales) being the costs incurred for real estate services.

Scott Stewart, C.E.T.                                Tim McCabe
General Manager                                    General Manager
Public Works Department                            Planning and Economic Development

EXECUTIVE SUMMARY:

The requirements for a Trinity Church Arterial Corridor were identified in the Rymal Road Planning Area (ROPA 9) Master Plan Class Environmental Assessment (portion north of Rymal Road) and in the North Glenbrook Industrial Business Park Transportation Master Plan (portion south of Rymal Road). These reports addressed Phases 1 and 2 of the Municipal Class Environmental Assessment (EA). Phases 3 and 4 of the Municipal Class EA were addressed through the Trinity Church Arterial Corridor Class Environmental Assessment. The Trinity Church Arterial Corridor received Council endorsement and was approved for filing September 27, 2006.

This report recommends that an Option to Purchase Agreement, in the amount of $305,000 for the purchase of 0.345 acres, more or less, from Kris-Anne and Anthony Huybens, be approved. This Purchase Agreement will include approval to enter into an Authority to Enter Agreement with the Owners, which is required for the City to complete the requisite environmental testing.

BACKGROUND:

The Trinity Church Arterial Corridor Class Environmental Assessment was filed on Public Record in June 2007. A public review period was held June 15 - July 30, 2007. A Part II Order request was submitted by property owners within the study area, but not the property owners of 521 Highland Road West. A decision has been made by the Ministry of Environment and the Part II Order has been declined.
The preferred alternative for the road alignment requires the City to acquire the property of 521 Highland Road. The property owners are willing sellers, so it is being proposed that this property acquisition move forward.

521 Highland Road, situated on the south side between Pritchard Road and Upper Mount Albion Road, is zoned ND – Neighbourhood Development; this property is improved with a single-family residence currently occupied by Kris-Anne and Anthony Huybens.

The Huybens first learned that their property would be directly impacted by the future alignment of Trinity Church Road during a public consultation meeting in June 2006. Following this meeting, the Huybens continued to follow the EA process closely and engaged City staff on many occasions for project updates, and timing for their relocation.

In June 2007, the City issued its Notice of Completion for the Class Environmental Assessment for the Trinity Church Arterial Corridor; Real Estate Section was then directed to proceed with negotiations for the property held by the Huybens.

On the basis of this directive, Real Estate staff met with the Huybens on several occasions and reached a mutual agreement to purchase their property on a willing seller/buyer basis, subject to the City being satisfied with the results of an Environmental Site Assessment for the subject property and, Council’s approval. The recommended purchase price of $305,000 reflects appraised market value, plus relocation costs.

A Phase 1 Environmental Site Assessment was conducted on the property of 521 Highland Road West. The following issues of concern on the subject property were identified:

- Asbestos, PCBs and UFFI may be present within the building, but there was no visual evidence noted of these materials.
- An abandoned water well was observed at the rear of the property. This well should be decommissioned in accordance with Ontario Regulation 903 as amended.

No other environmental issues were identified. The conclusions and recommendations of the Environmental Site Assessment report are that the potential for adverse environmental impact on the property is low and no further environmental work is required. City staff are satisfied with the results of the Environmental Site Assessment.

**ANALYSIS/RATIONALE:**

The Trinity Church Arterial Corridor will relieve existing high traffic volumes on the north-south local roads, namely Second Road West and Upper Mount Albion, and will allow for future growth within the immediate neighbourhood and within the larger community.
The opportunity to acquire and secure this critical property, and having reached an agreement with the Huybens on an amicable basis, presents an opportune time to move forward with the acquisition of the site.

To offset the expenditures for acquisition of the lands, staff will be looking at avenues to recapture a portion of the proceeds through the sale of residual lands following construction of the Trinity Road corridor.

**ALTERNATIVES FOR CONSIDERATION:**

In the event approval of the Option to Purchase is not granted by Council, the City may be faced with an expropriation to obtain the 0.13 hectares (0.345 acres) in order to accommodate the proposed arterial road. The expropriation process is usually time consuming and costly.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** Sufficient funds are available from Account No. 5140771074, Annual Contingency for Unscheduled Works.

**Staffing:** There are no identified staffing implications arising out of this recommendation.

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

**POLICIES AFFECTING PROPOSAL:**

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by Council on November 24, 2004, to acquire property in support of municipal programs and needs. As the purchase price of the subject land exceeds the $250,000 limit set by City Council under the Delegation of Authority approval process, approval is, therefore, required by City Council.

This recommendation is also consistent with the Public Works Department’s Strategic Plan, A Compass for Public Works to 2017. The “processes” vision driver, to drive the future success of the Public Works Department is used. By coordinating early with the property owners, while they are willing sellers, avoids expropriation later on. The approach of moving forward with the property acquisition now, avoids unnecessary use of resources and time.

**RELEVANT CONSULTATION:**

- Public Works Department, Capital Planning and Implementation
- Planning and Economic Development Department, Economic Development and Real Estate
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
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs. Hamilton’s high-quality environmental amenities are maintained and enhanced.

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

DC:sd
Attach. (1)
521 Highland Road West Property Acquisition

521 Highland Road West
Proposed Road Alignment

Map Not to Scale

General Manager
Scott Stewart C.E.T.  April 2008