CITY OF HAMILTON
MOTION

Committee Date: February 20, 2013

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

SECONDED BY COUNCILLOR..........................................................

Sale of Land Arkledun Avenue

WHEREAS before selling any land, the Council of the City of Hamilton shall by by-law or resolution declare the land(s) surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

AND WHEREAS interest has been expressed by owners residing at 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, more particularly described as Parts 4, 5, 8 & 9 on Plan No. RC-H-767, attached hereto as Appendix “A” for a nominal sum of $2;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land(s);

AND WHEREAS the sum of $2 for the subject property is below the range of the estimated fair market value as determined through an in-house appraisal being in the range of $5,000 - $9,000;

AND WHEREAS, due to the differential in grade elevation from St. Joseph’s Drive to the private residents of approximately 4 feet, the grade elevation is delineated by an old, deteriorating, concrete retaining wall, wherein the property owners have constructed stairways to access their motor vehicles which are also established within the said Parts, being the only means of parking and access to their homes;

AND WHEREAS divestiture of the said Parts will absolve the City from potential Risk and Liability due to several staircases encroaching upon said Parts and providing a means of access to their motor vehicles;
AND WHEREAS the registered owner of 1 Arkledun Avenue had constructed a new second storey stairwell and landing onto adjacent City owned lands; divestiture of Part 4 on Plan RC-H-767 would dispense with this encroachment and a related minor variance application currently before the City of Hamilton;

AND WHEREAS Council deems the sale of Parts 4, 5, 8 and 9 on Plan No. RC-H-767 to the registered property owners of 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, for the nominal sum of $2 to be in the best public interest;

AND WHEREAS Council deems that the City owned vacant parcel identified as Parts 6 and 7 on Plan RC-H-767 as surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299 and that the sale proceeds be allocated to another project within Ward 2;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

a) That the lands described as Parts 4, 5, 6, 7, 8 and 9 on Plan No. RC-H-767 be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to dispose of Parts 4, 5, 8 and 9 on Plan RC-H-767 to the adjoining registered property owners of 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, for a nominal sum of $2, subject to the respective owners being responsible for the maintenance of the retaining wall;

c) That the sale proceeds from the sale of Parts 6 and 7 on Plan RC-H-767 be allocated to another project within Ward 2;

d) That the City Solicitor be authorized and directed to complete the real estate transaction on the terms and conditions set out herein.

e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.
PLAN OF SURVEY OF
PART OF
MISCELLANEOUS LOT
SHOWN AS 1 1/20 ACRE
PARCEL ON REGISTERED
PLAN No. 1431
IN THE
CITY OF HAMILTON
SCALE 1:625

BEARINGS AND COORDINATE NOTE

LEGEND

SURVEYOR'S CERTIFICATE

City of
HAMiLTON
Survey and Technical Services

PLAN No. RC-4767 SURVEYS