TO: Mayor and Members
General Issues Committee

WARD(S) AFFECTED: WARD 5

COMMITTEE DATE: April 11, 2011

SUBJECT/REPORT NO:
Declaration of Surplus Property and Sale of Land to Donna MacLeod and Roger Longden - 836 Beach Boulevard, Hamilton (PED11070) (Ward 5)

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

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

SIGNATURE:

RECOMMENDATION

(a) That a vacant parcel of land situated at the rear of 838 Beach Boulevard and described as Parts 1 and 2 on Plan 62R-6554, municipally known as 836 Beach Boulevard, as shown on Appendix “A” to Report PED11070, 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 Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands shown on Appendix “A” to Report PED11070, to the abutting land owners, Donna MacLeod and Roger Longden, of 838 Beach Boulevard for the price of $10,000;

(c) That the sale price of $10,000 does not include the Harmonized Sales Tax (HST); should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);
(d) That the required deposit of $1,000.00, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction;

(e) That the proceeds of the sale be deposited to Account No. 47702-3560150200 (Property Purchases and Sales);

(f) That the sum of $1,000 from the proceeds of the sale be credited to Account No. 45408-3560150200 (Property Purchases and Sales), being the costs incurred for Real Estate administrative services;

(g) That the net sale proceeds, minus Real Estate’s fee, be transferred to Account No. 108037 Beach Park Development Reserve, and any costs incurred by the City Solicitor in this matter be recovered from the Beach Park Development Reserve;

(h) That the following condition be included in the Offer to Purchase:

The Purchasers acknowledge and agree that the lands being sold shall be registered in the same name and title of the land municipally known as 838 Beach Boulevard, Roll No. 251805051205440; and,

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

(i) That the subject lands be declared surplus by inclusion of Report PED11070 to Council;

(ii) That in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of Report PED11070 to City Council; and,

(iii) That an internal opinion of value for the subject property was completed on May 15, 2009.

EXECUTIVE SUMMARY

This is a parcel comprising 457.5 square metres (4,924 square feet) with no prospect for development on its own for its lack of road frontage. The property is wedged between the rear limit of the MacLeod parcel at 838 Beach Boulevard and the east limit of Queen Elizabeth Highway (QEW). Further, the property is constrained by an existing Ministry of Transportation setback requirement of 14 metres (45.93 feet) from the QEW.
Staff is seeking Council’s approval to declare the subject property surplus to the requirements of the City of Hamilton and direct conveyance of the property to the abutting owners, Donna MacLeod and Roger Longden, of 838 Beach Boulevard.

**Alternatives for Consideration on Page 5**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

- **Financial:** n/a
- **Staffing:** n/a
- **Legal:** The Legal Services Division will be required to assist in the preparation of the necessary documents upon the sale of the lands.

**HISTORICAL BACKGROUND**

The information and recommendation contained in this Report primarily affect Ward 5.

The subject property was acquired by the City of Hamilton in 1999 from the Ministry of Transportation of Ontario; prior to this acquisition it was improved with a two-storey frame residence which has since been demolished. City of Hamilton Zoning By-Law 6593 categorizes the property “C/S – 1436” – Residential.

The subject is generally rectangular with varying boundary dimensions, and no road frontage. Access is provided via a ten foot right-of-way off Beach Boulevard situated between numbers 834 and 836, extending back to the property line. This property is also identified as PIN 17568-0023 (LT) and Property Roll Number 251805051205410.

Given its particular development constraints, the property’s marketability is very limited. Adjoining owners were contacted by the City and offered the opportunity to express an interest. From this offering, one affirmative response was received. The owners of 838 Beach Boulevard, Donna MacLeod and Roger Longden, have been maintaining and utilizing the subject parcel for several years, and are interested in acquiring the property for the purposes of extending their holding.

Real Estate Section completed a circulation to all City Departments and no municipal interest was expressed. Staff is now moving forward to declare the lands surplus and dispose of the property to the adjoining owners.

The fair market value, determined at $10,000, is reflective of the site’s particular development constraints and encumbrances.
POLICY IMPLICATIONS

As no municipal need has been identified for the subject property, Council’s direction is being sought to allow staff to declare the subject property surplus and dispose of the lands, in accordance with the City’s Real Estate Portfolio Strategy Plan.

RELEVANT CONSULTATION

Real Estate staff has circulated the subject lands to relevant City of Hamilton staff and there were no objections to the sale of the lands. The following comments and recommendations were received in response to the potential sale of the subject property:

Community Planning and Design

Archaeology

The subject property meets 2 of the 10 criteria used by the City of Hamilton and Ministry of Tourism and Culture (MTC) for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,

2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Heritage staff requires that Real Estate staff inform any prospective buyers of the subject property in writing of the following:

“The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and any proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the MTC. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MTC.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Should deeply buried archaeological materials be found on the property during any of the above development activities the MTC should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392). ”

Consultation was also carried out with staff in the following City Departments:

- Legal Services Division, Corporate Services
- Planning Division, Planning and Economic Development
- Public Works
- Ward Councillor

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

The City of Hamilton will receive a financial benefit from the sale of the subject lands. Upon its disposition, the property will generate additional property tax revenue and relieve the City from liability and maintenance.

**ALTERNATIVES FOR CONSIDERATION**

Should Council decide not to declare the lands surplus and approve the sale, the parcel will remain in City ownership for an unknown period of time and continue to be a liability for the City of Hamilton.

**CORPORATE STRATEGIC PLAN**


**Financial Sustainability**

- Financially sustainable City by 2020 and generate assessment growth.

**APPENDICES / SCHEDULES**

Appendix “A” to Report PED11070 – Location Map

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