Council Direction:

At the October 11, 2011, General Issues Committee meeting City Council stated the following:

"On a motion, Report PED11172 respecting Hamilton-Wentworth Catholic District School Board (HWCDSB) Surplus Land located at 161 Meadowlands Boulevard, described as Part of Lot 51, Concession 3, Former Township of Ancaster, now City of Hamilton was referred back to allow Parks staff to complete negotiations with the School Board before declaring the lands surplus and report back at the earliest possible opportunity to the General Issues Committee."

The purpose of this Information Report is to provide Council with a status update.

Information:

In 2011, City staff and HWCDSB staff were in discussions to create a walkway connection from City open space lands on Shrewsbury Drive to the Holy Name of Mary School in Ancaster. The project was started due to stormwater management improvements on the City and school board property at the location, and the need for the walkway was investigated. The City open space land is functioning as a shortcut to the school, and the fence located on the joint property line is being removed by the students to facilitate this. This creates an on-going maintenance challenge for City staff. A joint project is required to facilitate the walkway as it would cross both City and school board lands and the construction of the culvert crossing over a swale would take place on both properties. The walkway would continue through a grassed area on the school
site to connect with an asphalt play area at the school building. City staff was working on formalizing the joint project with the HWCDSB when the land behind the school was declared surplus by the HWCDSB.

The surplus lands were offered to the City for purchase, and City staff prepared Report PED11172 to Council regarding the property. The original surplus land circulation for the school board property was received by the City on July 6, 2011. At that time, staff identified the priority for access and also indicated that the City had no interest in purchasing the property. All staff responses were reviewed by August 25, 2011. The 90 day review period was complete on October 6, 2011, at which time the City lost its preferred agency status.

Report PED11172 recommended that the City has no interest in buying the property at 161 Meadowlands Boulevard. Under the consultation section, the report stated Environment and Sustainable Infrastructure (now Corporate Assets and Strategic Planning) staff was working with Councillor Ferguson to establish an easement from City open space property on Shrewsbury Drive to the school property. The walkway would have to cross the school board property declared surplus to maintain public access to the school. Staff indicated in Report PED11172 that staff were in discussions with the school board to finalize details about the walkway proposal, and that it would be preferable for an easement to be provided across the surplus property to facilitate the walkway.

After the motion at the October 11, 2011 GIC, to refer the matter back to staff, City staff met with school board staff on November 16, 2011 and were told that the property was declared surplus in September of 2011, and conditionally sold to a developer. The sale was approved by the HWCDSB at the end of 2011. Public Works and Planning staff met with the Councillor, Developer and School Board on December 14, 2011 to talk about the future plans for the property. The developer indicated a desire for a residential home development. Access to the potential residential development on the surplus school lands would require crossing City open space lands on Shrewsbury Drive.

The Planning and Economic Development staff received a request for Formal Consultation (staff file FC-12-066), which was held on Wednesday July 18, 2012, to discuss the possibilities of the development with the developer. At the formal consultation meeting, planning staff have advised that a planning act application is required for the development, and that the City will ask for this walkway easement as a condition of approval. The walkway access from the City open space property to the school could occur through the development as a standard city sidewalk included with road construction for the subdivision. This walkway is supported by the HWCDSB. Planning staff are aware of the request for the community connection. Through the planning application process, given the restricted access to the property, there are many opportunities for negotiations to secure the walkway.

There were many challenges associated with the development of the property, including requiring access to public roadway over City-owned storm water management lands,
storm water management concerns, design-related challenges, and environmental studies. To date, the developer has not submitted any formal planning act application, and no other discussions have taken place since the formal consultation. The walkway on the easement through school property would be used by students to walk to school safely.

At this time, the walkway proposal from Shrewsbury Drive to the existing school cannot proceed, until a formal development application is received for the surplus school lands. The school board has indicated to City staff that they are still pursuing options for the property, and are not interested in developing the walkway on their lands until after a final option for the site has been determined.

City staff do not recommend constructing the walkway on city land only, without making the complete connection to the school play area, for reasons of maintenance, safety, and security.