**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Economic Development and Real Estate Division*

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| Mayor and Members  
General Issues Committee |                         |

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<th>COMMITTEE DATE:</th>
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<th>SUBJECT/REPORT NO:</th>
<th>Declaration of Surplus Property and Sale of Land to 2128197 Ontario Inc. (Kinderville Pre-School) - Part of 0 Glenhollow Drive, Hamilton (PED11090) (Ward 9)</th>
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<th>SUBMITTED BY:</th>
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| Tim McCabe  
General Manager  
Planning and Economic Development Department | Adam Millington  
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**RECOMMENDATION**

(a) That a vacant parcel of land described as Part(s) 1 & 2 on Plan RC-S-722, municipally known as Part of 0 Glenhollow Drive, shown on Appendix “A” attached to Report PED11090, 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 negotiate the sale of the subject lands shown on Appendix “A” attached to Report PED11090, to the abutting land owner, 2128197 Ontario Inc. (Kinderville Pre-School) at fair market value; 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 in this Report to Council; and,

(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 this Report to City Council.

EXECUTIVE SUMMARY

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 owner, 2128197 Ontario Inc. (Kinderville Pre-School) of 110 Gordon Drummond Drive.

Alternatives for Consideration on Page 5

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: The proceeds from the sale will be credited to the Park Land Reserve Fund, account number 104090.

Staffing: n/a

Legal: Legal Services Division will prepare the necessary documents required to transfer title of the subject lands.

HISTORICAL BACKGROUND

The information and recommendations contained in this Report primarily affect Ward 9.

Kinderville Pre-school was established as a family enterprise during the mid-1980s, beginning with leased space in a five-unit strip plaza located at 110 Gordon Drummond Drive. As the business grew, additional units were occupied within the plaza until March of 2007 when the operators purchased the building outright.

Behind the Kinderville Pre-School property, the owners have leased from the City since 1997, a rectangular parcel which serves as a children’s playground and garden. The leased portion is zoned “OS” (Open Space) and comprises an area of 939 square metres (.232 acres) more or less, with an approximate width of 72.66 metres (238 feet) by a depth of 13.77 metres (45 feet); it forms part of PIN 17093-0325 and Roll Number 251800376028050.
Following construction of the Valley Park – Stage 5 subdivision in the mid 1990s, Kinderville Pre-school began to experience flood damage resulting from storm water runoff from adjoining open space land owned by the City.

To remedy this drainage issue, City staff constructed a catchment area to collect and divert storm water runoff away from the pre-school. Over time, this has proven to be ineffective as the interior of the pre-school continues to sustain water damage during major storm events. Recently, the playground area was deemed “unsafe” by the Ministry of Youth and Children.

Mitigation of the flooding issue will require a significant investment. As part of their plans to re-establish the playground and garden, the owners of Kinderville Pre-School are prepared to resolve the drainage issue with appropriate infrastructure at their own cost. In support of this undertaking, the owners wish to purchase, from the City, the land which they currently lease as playground/garden area, and an additional 6m x 75m of Open Space from the City.

Real Estate Section completed a circulation to all City Departments and no municipal interest was expressed. Staff in Landscape Architectural Services has agreed, in this instance, to support the transfer of Open Space land. Conveying this small parcel to the adjoining owner will relieve the City from ongoing drainage issues and the possibility of future claims.

Based on the foregoing, it is recommended that the subject lands be declared surplus and sold to the Kinderville Pre-school at market value.

**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 Portfolio Management Committee and the Parks Advisory Committee had 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 for determining archaeological potential:

i) 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,

ii) 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 Ontario Ministry of Tourism and Culture (MTC). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism and Culture.

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). ”

Relevant Consultation was also carried out with the following City staff:

- Legal Services Division, Corporate Services
- Planning Division, Planning and Economic Development
- Public Works
- Ward Councillor
Subject: Declaration of Surplus Property and Sale of Land to 2128197 Ontario Inc. (Kinderville Pre-School) - Part of 0 Glenhollow Drive, Hamilton (PED11090) (Ward 9) - Page 5 of 5

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

Growing Our Economy

- Support of local business enterprise.

Social Development

- Quality care and education for children.

Environmental Stewardship

- Providing children an interactive opportunity to learn about the environment.

Healthy Community

- Providing children an interactive opportunity to learn / experience gardening.

Appendices / Schedules

Appendix “A” to Report PED11090 – Location Map

AM:sd

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