SUBJECT: Declaration of Surplus Property and Sale of Parts 2 and 3 on Plan 62R-7470 Being Part of 1061 Garner Road East, in the Former Town of Ancaster (PED06211) (Ward 12)

RECOMMENDATION:

(a) That the City land identified as part of 1061 Garner Road East, being Parts 2 and 3 on Plan 62R-7407 having an area of 720.8 square metres (0.178 acres) (as shown on Appendix “A” to Report PED06211) in the former Town of Ancaster, now in the City of Hamilton, 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 Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, to the abutting land owners to the east, in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales)
EXECUTIVE SUMMARY:

The purpose of this report is to request City Council’s approval to declare the subject lands surplus to the requirements of the City Of Hamilton and to direct the sale of the lands to the abutting owner, at fair market value. The parcel is irregular in shape, being 1.0 to 2.0 metres wide by 536.5 metres long (3 to 6 feet by 1760 feet).

BACKGROUND:

Planning staff became aware of the existence of this landlocked remnant parcel of City lands as a result of the review of the draft plan application for the Ancaster Meadows subdivision off Garner Road. The land owner P&L Livestock Limited, in error, included the subject Parts 2 and 3 on Plan 62R-7470 in their subdivision application.

A review of the history of the subject and surrounding lands from 1965 to the present:

- Deed HL339882 December 24, 1965 City of Hamilton purchase from Lampman of 145.259 acres, being all of Plan SS-717 City of Hamilton Survey.

The 1965 City survey as Plan SS-717 appears to show the western property boundary as a straight farm fence line, consistent with the division between Lot 51 and Lot 52 in Concession 3 in the former Township of Ancaster. The 1985 City survey as Plan 62R-7470 shows a more irregular fence line, which in turn separates the main Part 1 of Plan 62R-7470 from the residual lands west of the farm fence line as Parts 2 and 3 on Plan 62R-7470.

The City has no municipal interest in retaining Parts 2 and 3, and in order to implement a condition of development (Ancaster Meadows), these parts must be incorporated into the subdivision plan.

If approval is given to declare these lands surplus, staff will negotiate a sale, at market value, to the abutting owners, P&L Livestock Limited.

ANALYSIS/RATIONALE:

There is no municipal requirement for the subject lands but the lands are critical to the orderly development of the abutting Ancaster Meadows development.
The subject lands do not contribute to the core business of the City of Hamilton and in declaring it surplus, negotiations may begin regarding their disposal.

**ALTERNATIVES FOR CONSIDERATION:**

If Council does not choose to declare the lands surplus to the requirements of the City of Hamilton there could be a large assessment and residential property tax loss to the City. There would be a serious delay to this development of 615 homes. The proposed Ancaster Meadows subdivision could not proceed in its current lot and street layout without the recommended surplus City land.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** There are no financial implications arising from this recommendation.

**Staffing:** There is no staffing implication arising from this recommendation.

**Legal:** Legal Services will be required to assist in the preparation of the necessary documents upon the sale of the lands.

**POLICIES AFFECTING PROPOSAL:**

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan as approved by City Council on November 24, 2004, and the “Procedural By-law for the Sale of Land”, By-law #04-299. By-law #04-299 notes that City Council must first declare surplus any lands to be disposed of by the City.

**RELEVANT CONSULTATION:**

All City of Hamilton Departments, Boards and other government agencies have been notified of the surplus status of the subject lands and none have shown interest or objected to the sale of the subject lands. A condition of the development of the Ancaster Meadow subdivision requires the inclusion of the subject lands.

**CITY STRATEGIC COMMITMENT:**

The subject lands do not currently contribute to core business of the City of Hamilton. A circulation failed to identify any needs or uses for the subject lands. The City of Hamilton will receive a financial benefit from the sale of the subject and would eliminate any future liability or maintenance costs.

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
Environmental Well-Being is enhanced. □ Yes ☒ No

Economic Well-Being is enhanced. ☒ Yes □ No
Additional residential development and investment in Hamilton is facilitated by the declaring of the land surplus to City requirements

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

:VDP
Attach. (1)
Part of 1061 Garner Road (Highway 53), Former Town of Ancaster

Part of 1061 Garner Rd, former Town of Ancaster

REAL ESTATE SECTION
PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

LEGEND

SUBJECT LAND

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REFERENCE FILE NO: 2004-104