



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

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| TO: | Mayor and Members General Issues Committee |
| COMMITTEE DATE: | March 19, 2014 |
| SUBJECT/REPORT NO: | Declaration of Surplus Property, Abrey-Zimmerman House Being Part of Courtcliffe Park (159 Carlisle Road), Hamilton (PED14046) (Ward 15) |
| WARD(S) AFFECTED: | Ward 15 |
| PREPARED BY: | Frank Albrecht (905) 546-2424 Ext. 2656 |
| SUBMITTED BY: | Joe-Anne Priel Acting General Manager Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION:

- (a) That the stone heritage house known as the Abrey-Zimmerman House within Courtcliffe Park, municipally known as 159 Carlisle Road be severed from the park that is legally described as the south half of Lot 10, Concession 9, in the former Township of East Flamborough, forming part of PIN 17523-0221(LT); the severed portion will have an approximate area of 4,050 square metres as depicted in Appendix "A" attached to Report PED14046, (final property limits to be determined by survey) and 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 Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands, at fair market value, in accordance with the "Procedural By-law for the Sale of Land", being By-Law 04-299;
- (c) That the net proceeds of the sale be deposited in Account No. 47702-3560150200 (Civic Property Purchases and Sales), and that all associated legal costs, appraisal fees, and property maintenance costs related to the subject property be sourced from this account;
- (d) That as a condition of sale, a Heritage Conservation Easement be registered on title to conserve the structural, landscaping and archaeological heritage elements of the Abrey-Zimmerman House;

EXECUTIVE SUMMARY

The purpose of this Report is to request Council to declare the subject property surplus to the requirements of the City and direct Real Estate staff to negotiate the sale of the lands. Divesting of the subject property would provide an opportunity for the designated heritage house to be rehabilitated by others.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Property to be sold at fair market value in accordance with “Procedural By-Law for the Sale of Land”, being By-Law 04-299.

Staffing: There are no staffing implications arising from this recommendation, other than Real Estate and Legal Services staff working together to complete the sale.

Legal: Legal Services Division will be required to assist in the preparation of the necessary closing documents.

The subject property is designated under Part IV of the Ontario Heritage Act. A Heritage Permit is required for any alterations to the heritage attributes of the property. A Heritage Conservation Easement will be entered into with any purchaser to further protect and conserve the property. The property also contains a registered archaeological site which will require excavation or mitigation/avoidance prior to any new construction or other soil disturbance on the property.

HISTORICAL BACKGROUND

The information and recommendation contained in this Report primarily affect Ward 15.

The Abrey-Zimmerman House within Courtcliffe Park is designated under Part IV of the Ontario Heritage Act by the former Town of Flamborough By-law No 2000-105-H. The house was built by George Abrey in 1847, being the first settler on the property. The massive two storey stone house was built in the vernacular Georgian Style and is an excellent example of early domestic architecture in Flamborough, predating other stone houses and buildings in Waterdown. Architectural features of significance include the exterior stone facades, the central front entrance with its transom and sidelights, and large, symmetrically arranged double hung windows.

The property (Courtcliffe Park) was slowly transformed from a working farm to a summer campground with annual entertainment such as Blue Grass Music Festivals.

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Over time, seasonal camping gave way to the property becoming a mobile home park with year round residents. The mobile home park went into receivership on May 5, 1992. Eventually due to continued non-payment of municipal taxes and as a consequence of a failed tax sale, on December 6, 1995, the Town of Flamborough took title to the property under Vesting / Statutory Declaration Instrument No. VM 222614.

The subject is designated as Open Space under the New Rural Hamilton Official Plan and currently zoned A65 (Agriculture) and CM (Conservation Management) under the Town of Flamborough's Zoning By-Law 90-145-Z. The property contains two reaches of Bronte Creek which converge and flow through the Courtcliffe lands. Since the operation of a mobile home park on the Courtcliffe lands was not a permitted use, the Town of Flamborough prepared a master plan in 2000 to transform the trailer park into a community recreation area. Further, the Park Rehabilitation Committee was successful in having the Abrey-Zimmerman House designated as a heritage structure. Within the Master Plan is direction for rehabilitation of the house for future Community and Park uses and for it to remain as part of the park. A potential after use to the house was identified, to serve as an office for Ontario Parks Association. The house required significant rehabilitation, and consequently with a limited budget, the lease with Ontario Parks Association did not materialize. No further initiatives were undertaken by the Town of Flamborough.

In 2007, Phase 1 of the City's Courtcliffe Park Master Plan did not incorporate the use of the house. Phase 2 of the Master Plan did not identify any use for the house and, the parks capital budget did not have any funding to renovate. Real Estate staff investigated the option of a long term lease, as expressions of interest included redeveloping the house into a restaurant, nursery school, art gallery and rehabilitation of the house for a residence. In light of the required capital expenditures on the basis of a long term land lease without a guaranteed equity in land tenure made this option unfeasible. The current A-65 (Agricultural) zone restricts the use to one of the following uses: existing single detached dwelling, one fruit and/or vegetable stand, for sale of seasonal products grown on the property, one help house; golf course; one accessory dwelling unit for maintenance and/or security purposes only; park; recreational camping establishments.

In 2006, the Greenbelt Act came into effect, designating the lands as Countryside Protected. The Greenbelt Plan is implemented through the Rural Hamilton Official Plan. In accordance with Subsection F.4.1 of the Rural Hamilton Official Plan, "the City may hold or acquire land from time to time in order to develop any feature to implement particular policies of this Plan. Any land so acquired may be sold, leased or otherwise disposed of when no longer required." With the completion of the Courtcliffe Master Plan in 2007, the portion of the subject lands containing Abrey-Zimmerman House has been identified as not being required for park purposes. As such, and in accordance with the provisions of the Rural Official Plan, this heritage building can be disposed of. Earlier divestiture efforts focused on the prospect of a long term lease, however,

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restrictive zoning and significant rehabilitation costs of the structure would have proven this to be uneconomic in terms of capital appreciation.

Based on the foregoing, it is recommended that the subject parcel be declared surplus and offered for sale.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

In 2006 the Greenbelt Act came into effect, designating the lands as Countryside Protected. The Greenbelt Plan is implemented through the Rural Hamilton Official Plan. In accordance with Subsection F.4.1 of the Rural Hamilton Official Plan, “the City may hold or acquire land from time to time in order to develop any feature to implement particular policies of this Plan. Any land so acquired may be sold, leased or otherwise disposed of when no longer required.” With the completion of the Courtcliffe Master Plan in 2007, the portion of the subject lands containing Abrey-Zimmerman House has been identified as not being required for park purposes. As such, and in accordance with the provisions of the Rural Official Plan, these lands can be disposed of.

RELEVANT CONSULTATION

- Ward 15 Councillor; and,
- Planning and Economic Development Department, Development Planning, Heritage and Design Section.

ANALYSIS AND RATIONAL 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 ongoing liability and maintenance. Further, the divestiture will give an opportunity for the designated heritage house to be conserved and rehabilitated by the new owner.

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful to wards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14046 – Location Map

FA/sd