



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 4, 2014
SUBJECT/REPORT NO:	Sale of 159 Carlisle Road, (former Town of Flamborough), now City of Hamilton (PED14185) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Frank Albrecht (905) 546-2424 Ext. 2656
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to convey Part 2, Plan 62R-19828, municipally known as 159 Carlisle Road as shown on Appendix “B” attached to Report PED14185, to Andy Watson and Larry Watson for the tendered amount of \$302,000 exclusive of HST;
- (b) That the required deposit of \$30,200, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction;
- (c) That proceeds of the sale be deposited in Account No. 47702-3560150200 (Property Purchases and Sales) and all associated legal costs, appraisal fees, and property maintenance costs related to the subject property be sourced from this account;
- (d) That the net proceeds from this transaction be transferred to the Property Purchases Reserve Account Number 100035;
- (e) That any applicable HST be collected by the City and credited to Account No. 22828-009000 (HST Payable);

- (f) That as a condition of sale, a Heritage Conservation Easement be registered on title to conserve the structural, landscape and archaeological heritage elements associated with the subject property.

EXECUTIVE SUMMARY

The information and recommendation contained in this Report primarily affect Ward 15. Staff is seeking Council's approval to convey the subject property to Andy Watson and Larry Watson, who presented the highest of three offers received in a tender that closed on July 18, 2014. The closing date for this transaction is scheduled for October 30, 2014.

The Offer to Purchase is subject to a Heritage Easement being registered on title to preserve the structural, landscape and archaeological elements of this property.

Alternatives for Consideration – See Page 5

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, including a Heritage Conservation Easement.

HISTORICAL BACKGROUND

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

The Abrey-Zimmerman House, situated within Courtcliffe Park, is a Part IV; Ontario Heritage Act designated residence built by George Abrey in 1847, the first settler on the property. This is a massive two-storey stone house 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 exterior stone facades, central front entrance with transom and sidelights, and large, symmetrically arranged double hung windows.

Over time, Courtcliffe transformed from a working farm to a summer campground and an annual entertainment venue for music festivals. Seasonal camping gave way to the

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property becoming a mobile home park with year round residents until financial circumstances led to receivership in May of 1992. The Town of Flamborough vested the property in December of 1995 following a failed tax sale and has held title to the present day.

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, transforming the trailer park into a community recreation area. Further, the Flamborough Park Rehabilitation Committee was successful in having the Abrey-Zimmerman House designated as a heritage structure.

The 2000 Master Plan gave direction to rehabilitate the house for future community purposes and potentially as an office for Ontario Parks Association. By this time, however, the house required significant rehabilitation and with limited funds, Ontario Parks Association did not pursue a lease and no further initiatives were undertaken by the Town of Flamborough. Subsequent planning documents (2007 Master Plan) did not include the use of the house and there was no capital allocation for rehabilitation of the building.

Currently, the 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.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This property has been offered for sale as prescribed by the Real Estate Portfolio Management Strategy. Council's direction is being sought to allow staff to dispose of the lands to Andy Watson and Larry Watson, following their successful bid in the tendering process.

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Accordingly, Council approval is being sought to proceed with this conveyance.

RELEVANT CONSULTATION

- Legal Services Division, City Manager's Office;
- Development Planning, Heritage and Design Section, Planning and Economic Development Department;
- Ward 15 Councillor; and,
- Hamilton Municipal Heritage Committee.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The 2007 Master Plan for Courtcliffe Park did not identify a corporate need for the Abrey Zimmerman House. Over time, Real Estate staff has invited and considered several options (long term lease / expressions of interest) for repurposing the house to other uses: restaurant, nursery school, art gallery, or a private residence. However, in light of the required capital expenditures, offering a long-term lease to investors would make these options financially unfeasible.

In support of Item 4 of the 2012 Municipal Heritage Committee's recommendation Report 12-010 to conserve the Abrey Zimmerman House, Council on March 26, 2014, adopted Item 5.6 of the General Issues Committee Report (PED14046) declaring a portion of Courtcliffe Park as surplus; this land would be sold along with the house. The required land area of one acre was determined in consultation between the Planning and Economic Development Department and Public Health Services and in accordance with Section 8.2.1 of the Official Plan.

Further, the New City of Hamilton Rural Official Plan which designates Carlisle Road as arterial, requires a right-of-way of 36.576 m. Accordingly, Part 1 on Plan 62R-19828 is being retained by the City for road widening. Public Works will take a report to Council to recommend passing of a By-law to incorporate Part 1 into the road allowance in order that the newly severed lot identified as Part 2 has legal road frontage prior to the closing of this real estate transaction.

Notice of sale was given on June 18, 2014 by placing a "For Sale" sign on the property, by posting this on the City of Hamilton's real estate website, and by advertisement in the Flamborough Review newspaper on June 20, 2014. Three offers were received with the highest offer presented by Andy Watson and Larry Watson, at \$302,000.

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 new owners.

ALTERNATIVES FOR CONSIDERATION

Should Council decide not to accept this offer, 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

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards 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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14185 – Location Map

Appendix “B” to Report PED14185 – Plan of Survey

FA/sd/dkm