

CITY OF HAMILTON MOTION

Council Date: July 14, 2017

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY COUNCILLOR

Amendment to Item 14 of the Planning Committee Report 17-001

WHEREAS, through approval by Council of Confidential Report PED17014/LS17004 (Item 14 of Planning Committee Report 17-001) on January 25th, 2017, staff were directed and authorized to acquire certain lands for a Community Park in the Jones Road, Barton Street East, Fruitland Road and Highway No. 8 Block;

WHEREAS, the City and the land owner have finalized the terms of the transaction outlined in Confidential Report PED17014/LS17004; and,

WHEREAS, the source of funding for the land acquisition was not clearly articulated;

THEREFORE BE IT RESOLVED:

That Item 14 of Planning Committee Report 17-001 respecting Settlement of OMB Appeal (OMB Case Number PL140601) by 549367 Ontario Ltd. Regarding the Fruitland-Winona Secondary Plan and Purchase of Land for a Community Park (PED17014 / LS17004) (Ward 11) which was amended and approved by Council on January 25, 2017 be further amended by adding the following wording to subsection (b):

“and be charged to the Parkland Dedication Fee Reserve #104090 (uncommitted balance after this transaction of approximately \$3M)”.

The amended Item 14 to read as follows:

- 14. Settlement of OMB Appeal (OMB Case Number PL140601) by 549367 Ontario Ltd. Regarding the Fruitland-Winona Secondary Plan and Purchase of Land for a Community Park (PED17014 / LS17004) (Ward 11) (Item 12.2)**
 - (a) That an Option to Purchase executed by 549367 Ontario Ltd. on November 29, 2016, (Major Terms and Conditions summarized in attached Appendix “A” to Report PED17014 / LS17004) that is scheduled to close on or before March 28, 2017, granting the City the right to purchase a 13.5 +/- acre vacant parcel of land described as Part Lot 13, Concession 2, Saltfleet; being the west part

of the PIN 17354-0123(LT), located south of Barton Street and west of Jones Road, Stoney Creek, as shown on Appendix "B" attached to Report PED17014 / LS17004, be approved and completed, and that the City Solicitor be authorized to accept the Option to Purchase;

- (b) That the funding for the property acquisition, consisting of the market value of the land, all Real Estate and Legal Services administrative fees, land transfer tax, environmental site assessments, property maintenance, contingency and other related costs, as outlined in Appendix "C" attached to Report PED17014 / LS17004, be approved **and be charged to the Parkland Dedication Fee Reserve #104090 (uncommitted balance after this transaction of approximately \$3M)**;
- (c) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (d) That the City of Hamilton Legal enter into a settlement of the appeal of the Fruitland Winona Secondary Plan / Urban Hamilton Official Plan Amendment No. 17 by 549367 Ontario Ltd if it is in accordance with the content of the Minutes of Settlement attached to Report PED17014 / LS17004 as Appendix "D" and if said Minutes of Settlement are first executed by 549367 Ontario Ltd.;
- (e) That the City Solicitor or her designate is hereby authorized to execute the Minutes of Settlement attached as Appendix "D" to Report PED17014 / LS17004 if first executed by 549367 Ontario Ltd and any additional documents to implement the resulting settlement and make such amendments to the Minutes of Settlement as she deems fit so long as they are consistent with the intent of the settlement as described in Appendix "D";
- (f) That the City Solicitor be authorized and directed to execute all necessary documents, in a form satisfactory to the City Solicitor, regarding the purchase contemplated in the Option to Purchase agreement;
- (g) That Report PED17014 / LS17004 remain confidential except that once executed by all parties, the Minutes of Settlement attached to Report LS14027 / PED14142 as Appendix "D" may be released to the public.