



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	January 17, 2018
<b>SUBJECT/REPORT NO:</b>	Permanent Closure and Sale of a Portion of Road Allowance Between Limeridge Road East and the Lincoln Alexander Parkway, Hamilton (PED18008) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Frank Albrecht (905) 546-2424 Ext. 2656
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

Discussion of Confidential Appendix "B" to this Report PED18008 in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-Law and the *Ontario Municipal Act, 2001*;

- A proposed or pending acquisition or disposition of land by the City.

**RECOMMENDATION**

- (a) That an Offer to Purchase for the Sale of a Portion of a Road Allowance between Limeridge Road East and the Lincoln Alexander Parkway, as identified in Appendices "A" and "A-1" attached to Report PED18008, scheduled to close 30 days after the fulfilment of all conditions, be approved and completed substantially on the terms and conditions outlined in Appendix "B" attached to Report PED18008 and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development, and the net proceeds be credited to Property Purchases Reserve #100035;
- (b) That \$57,029 from the sale proceeds be credited to Account No. 45408-3560150200 (Property Sales and Purchases) for recovery of expenses including Real Estate, Appraisal, Property Management and Legal administration fees;
- (c) That the City Solicitor be authorized and directed to complete this 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;

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

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- (d) That the Mayor and City Clerk be authorized to execute any necessary documents respecting the Offer to Purchase and Sale of Limeridge Road East, as identified in Appendices “A” and “A-1”, attached to Report PED18008, in a form satisfactory to the City Solicitor;
- (e) That Appendix “B” attached to Report PED18008 remain confidential and not be released as a public document until final completion of the real estate transaction.

## **EXECUTIVE SUMMARY**

This Report seeks Council approval for the sale of a Portion of Road Allowance between Limeridge Road East and the Lincoln Alexander Parkway in accordance with City policy.

***Alternatives for Consideration – See Page 4***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** With the funding allocation framework approved by Council through Report CM17003, the net proceeds of this sale will be credited to the Property Purchases Reserve #100035.

**Staffing:** There are no staffing implications related to this recommendation.

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

## **HISTORICAL BACKGROUND**

The property was acquired by the City for the construction of the Lincoln Alexander Parkway (LINC). The subject property is a remnant parcel lying between the west bound off-ramp of the LINC and Limeridge Road East.

In 2012 Cadillac Fairview made application for permanent road closure and to acquire, in addition to the subject remnant parcel all of Limeridge Road East road allowance that fronts Cadillac Fairview’s land holdings at 508-520 Limeridge Road East. Staff under Item 3 (c) ii of PW Report 12-011 is to report back to Council respecting the sale and possible legal implications prior to the sale.

In 2016 Cadillac Fairview revised its road closure application of permanent road closure and purchase to the remnant parcel comprising of 5,519m<sup>2</sup> (1.36ac.) lying between Limeridge Road East and Lincoln Alexander Parkway off-ramp. Legal Services advises

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the revised road closure application is not part of the Ontario Municipal Board expropriation settlement decision for when lands in the area were acquired and therefore is not encumbered.

Pursuant to Item 7 of PW Report 16-015, passed by Council September 28, 2016, the subject property was declared surplus to the requirements of the City of Hamilton.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Portfolio Management Strategy – Real Estate Management Plan

City Council, at its meeting of November 24, 2004, adopted the City's Portfolio Management Strategy Plan, which established a formalized process to be consistently applied across all areas of the City to guide the management of the City's real property. In accordance with the City's Portfolio Management Strategy, By-law 14-202, property no longer required for municipal programs is declared surplus by Council and is disposed of in accordance with this policy.

**RELEVANT CONSULTATION**

- Legal Services Division, City Manager's Office;
- Engineering Services, Public Works Department;
- Zoning, Planning and Economic Development Department;
- Portfolio Management Committee; and,
- Ward Councillor

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The construction of the Lincoln Alexander Parkway resulted in the closure of portions of Limeridge Road resulting in a remnant parcel of land remaining between Limeridge Road East and the off-ramp of the Lincoln Alexander Parkway. Cadillac Fairview being the owner of Limeridge Mall also owns lands at 508-520 Limeridge Road East which abut the subject lands. Cadillac Fairview proposes to permanently close and purchase the City lands with the intent to redevelop the subject property with its adjoining land holdings.

Following the application for permanent road closure and purchase by Cadillac Fairview Realty Holding Inc. and circulation to relevant stakeholders, responses confirmed there was no long-term municipal need for the property. Under Item 7 of PW Report 16-015 Council declared the property surplus to municipal needs and directed staff to sell the lands to Cadillac Fairview.

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Sale of the property will fulfil Item 7 of PW Report 16-015 and PW Report 12-011 Item 3 (c) ii.

Real Estate staff considers the terms and conditions of this sale to be fair, reasonable and at market value. The land sale and subsequent re-development will convert otherwise unproductive land by increasing the non-residential tax base and employment opportunities.

## **ALTERNATIVES FOR CONSIDERATION**

Should Council decide not to approve the sale of surplus lands, the parcel will remain in City ownership with commensurate costs and ongoing liabilities.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Strategic Objective**

- 1.1 Continue to grow the non-residential tax base.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

## **APPENDICES AND SCHEDULES ATTACHED**

Appendices “A” and “A-1” to Report PED18008 – Location Map and Plan of Survey  
Appendix “B” to Report PED18008 - Terms and Conditions (Confidential)

FA/sd