





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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	July 10, 2023
<b>SUBJECT/REPORT NO:</b>	Disposition of Unopened Road Allowance (PED23132) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Michelle Schiau (905) 546-2424 Ext. 7024
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Darlene Cole Acting Chief Corporate Real Estate Officer, Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

**Discussion of Confidential Appendix “B” to Report PED23132 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 for city or a local board purpose.

**RATIONALE FOR CONFIDENTIALITY**

Appendix “B” to Report PED23132 is being considered in Closed Session as it contains information of a proposed real estate transaction, and therefore it is appropriate to address in-camera, pursuant to the *Ontario Municipal Act*.

**RATIONALE FOR MAINTAINING CONFIDENTIALITY**

Appendix “B” to Report PED23132 is to remain confidential as real estate transactions involve commercially confidential information and/or the outcome of negotiations, pending approval of Council and the closing of the transaction.

**RECOMMENDATION (CLOSED SESSION)**

None.

**RECOMMENDATION (OPEN SESSION)**

- (a) That an Offer to Purchase for the sale of the City’s property identified in Appendix “A” to Report PED23132, based substantially on the Major Terms and Conditions outlined in Confidential Appendix “B” to Report PED23132, and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, be approved and completed;
- (b) That the proceeds of the Disposition of Unopened Road Allowance be credited to Project ID Account No. 47702-3561850200;
- (c) That the real estate and legal fees of \$35,100 be funded from Project ID Account No. 59806-3561850200 and credited to Dept. ID Account No. 59806-812036 (Real Estate – Admin Recovery);
- (d) That the City Solicitor be authorized to complete the transaction for the Disposition of Unopened Road Allowance, 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 deemed appropriate;
- (e) That the Mayor and City Clerk be authorized and directed to execute any and all necessary documents related to the Disposition of Unopened Road Allowance, in a form satisfactory to the City Solicitor;
- (f) That Appendix “B” to Report PED23132 remain confidential until final completion of the property transaction.

## **EXECUTIVE SUMMARY**

This Report seeks approval for the surplus and sale of an unopened road allowance municipally addressed as 0 Denison Avenue, Hamilton, to an employee of the City of Hamilton, in accordance with city policies.

### **Alternatives for Consideration – Not Applicable**

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

Financial: Consideration as outlined in Appendix “B” to Report PED23132.

Proceeds of the Disposition of City-Owned Agricultural Property be credited to Project ID Account No. 47702-3561850200; real estate and legal fees of \$35,100 be funded from Project ID Account No. 59806-3561850200 and credited to Dept. ID Account No. 59806-812036 (Real Estate – Admin Recovery);

Staffing: None.

Legal: Legal Services will be required to assist in the preparation of the necessary documents required to complete the transaction.

## **HISTORICAL BACKGROUND**

In February 2021, the Geomatics and Corridor Management Section received a Permanent Public Highway Closure Application to stop up and close 0 Denison Avenue (the “Subject Property”), a road stub adjacent to Lewis Road. Upon circulation it was found the road parcel would be a viable residential building in-fill lot and the Corporate Real Estate Office objected to the direct sale. The application was denied.

In May 2021, the Corporate Real Estate Office made its own Permanent Public Highway Closure Application.

At its meeting of May 11, 2022, Council approved the permanent closure and sale of Denison Avenue, Stoney Creek.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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. The Recommendations of this Report are consistent with the city’s Real Estate Portfolio

Management Strategy Plan, as approved by Council on November 24, 2004, and the Sale of Land Policy By-law 14-204.

The City of Hamilton Code of Conduct Policy has been applied as this transaction involves a City of Hamilton employee.

### **RELEVANT CONSULTATION**

- Corporate Services Department, Legal Services Division,
- Corporate Services Department, Financial Planning and Policy Division; and,
- Ward 10 Councillor.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

In March 2023, the Subject Property was listed for sale on the open market with a submission deadline of April 20, 2023.

Following numerous inquiries and multiple offers, the Corporate Real Estate Office accepted the highest value unconditional offer for the acquisition of the Subject Property. That offer was submitted by two individual persons, one being a city employee.

The city employee potential-purchaser is a Hamilton resident and has complied with the requirements of the City of Hamilton Code of Conduct Policy for Employees with regard to Schedule “A” of the Code of Conduct - Conflict of Interest and Schedule “C” of the Code of Conduct - Financial and Business Integrity.

The terms and conditions of this sale are deemed fair, reasonable and at market value by the Corporate Real Estate Office.

### **ALTERNATIVES FOR CONSIDERATION – Not Applicable**

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

#### **Community Engagement and Participation**

Hamilton has an open, transparent, and accessible approach to city government that engages with and empowers all citizens to be involved in their community.

#### **Economic Prosperity and Growth**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23132 – Location Map

Appendix "B" to Report PED23132 – Confidential Major Terms and Conditions

MS:jd