

MEMORANDUM

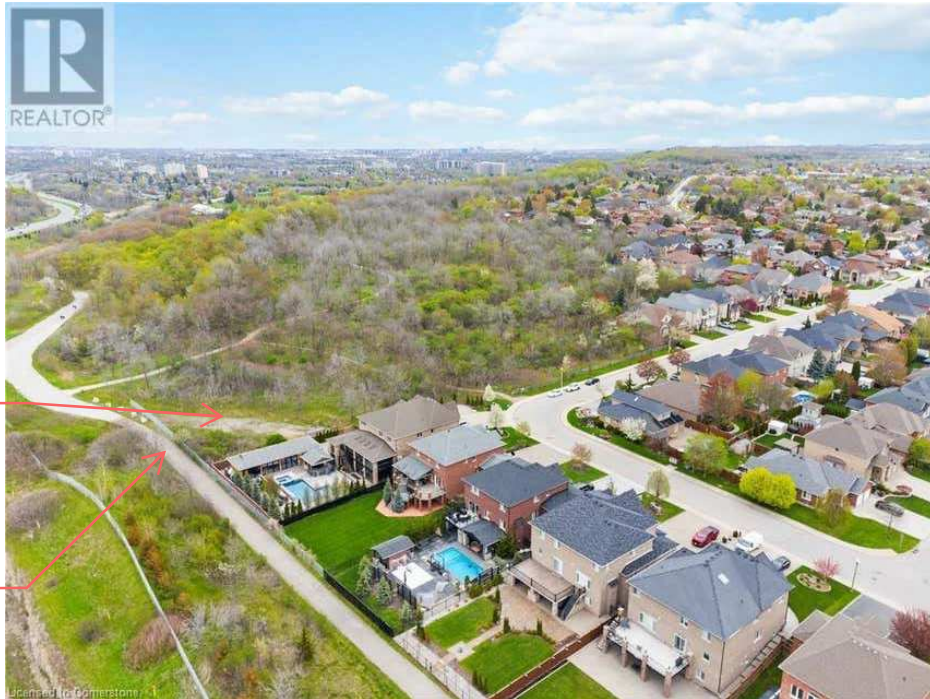
To: Public Works Committee
From: Joe Tarasca
Re: 94 Kingsview Dr., Stoney Creek, ON

Response in respect to Report No: PW25034 Subject/Title: 94 Kingsview Drive, Hamilton Encroachment Update.:

The response is to confirm,

- (a) the lands on which the structures were built upon (the “**Subject Lands**”) were not used, in any material manner, by the public prior to the structures being placed on the site;
- (b) there are two public paths around the property. On Schedule “A”, it can be seen that the Subject Lands were grass and gravel that were fenced off to the walking path, suggesting they were not open to the public;
- (c) the placement of the structures on the Subject Lands did not obstruct or interfere with either walking path;
- (d) the Subject Lands were not part of a municipal park, but rather an open space. The space was often neglected and resulted in waste accumulating that was removed by the owner, J. Tarasca;
- (e) the owner of the property provided a proposal to the City to acquire the lands (the “**Proposal**”). The Proposal confirmed that, as part of the acquisition, the City would retain an easement in respect of its stormwater sewer and municipal infrastructure. Furthermore, the owner agreed to be responsible for the preparation and registration of the easement. To that extent, the City would not be impaired or impacted in respect of its infrastructure;
- (f) the Proposal confirmed that in addition to the upfront purchase price of \$150,000.00, as the Subject Lands would become part of the property, that would increase the property tax payable on a go-forward basis;
- (g) removing the structures would result in funds being deployed to remove an improvement to a piece of property, that would in fact put the lands to a non-productive use.

Schedule "A"



Grass and gravel area

Fence on public path, suggesting the Subject Lands are not available to the public.



2nd Walking Path

Gravel and grass area

Fence on public path, suggesting the Subject Lands are not available to the public.