



Hamilton

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 2
COMMITTEE DATE: November 21, 2012	
SUBJECT/REPORT NO: Declaration of Surplus and Sale of Vacant Land at 537 Wellington Street North to Roona Noorzad and to Terry Ann and Murray Ray Wood (PED12219) (Ward 12)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Frank Albrecht (905) 546-2424 Ext. 2656
SIGNATURE:	

RECOMMENDATIONS:

- (a) That City owned land municipally known as 537 Wellington Street North, legally described as Part of Lots 40 and 41, Registered Plan 327 (save and except retention of the front 3.048 metres (10 feet) for road widening), comprising an area of 153 square metres (1,644 square feet) on the west limit of Wellington Street North, City of Hamilton, identified as PIN 17157-0461 (LT) and Roll No. 251802017109680, as shown on Appendix "A" attached to Report PED12219, be declared surplus to the requirements of the City of Hamilton, in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- (b) That the land described in Recommendation (a), above, be sold to the adjoining property owners, namely, Roona Noorzad of 541 Wellington Street North, owner to the north, and, to Terry Ann Wood and Murray Ray Wood of 535 Wellington Street North, the owners to the south;

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- (c) That two Offers to Purchase, each in the amount of \$5,945, executed by Roona Noorzad as to the north half of the subject land, and, by Terry and Murray Wood as to the south half of the subject land, each transaction scheduled to close on January 18, 2013, be approved and completed subject to the conditions described in Recommendations (f) and (g), below, and that the total sale proceeds amounting to \$11,890 be credited to Account No. 47702-3560150200 (Property Purchases and Sales);
- (d) That the two deposit cheques, each in the amount of \$595, being the required 10% of the purchase price, be held by the General Manager of Finance and Corporate Services, pending acceptance of these transactions;
- (e) That the sale price of \$5,945 in each transaction does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828 009000 (HST Payable);
- (f) That the following condition be included in the Offer to Purchase received from Roona Noorzad of 541 Wellington Street North:
 - (i) The Purchaser acknowledges and agrees that the lands being conveyed by the City pursuant to the Offer to Purchase shall be registered in the same name and title of the current land holdings municipally known as 541 Wellington Street North, Roll No. 251802017109710, Property Identification Number (PIN) 17157-0462 (LT);
- (g) That the following condition be included in the Offer to Purchase received from Terry and Murray Wood of 535 Wellington Street North:
 - (i) The Purchaser acknowledges and agrees that the lands being conveyed by the City pursuant to the Offer to Purchase shall be registered in the same name and title of the current land holdings municipally known as 535 Wellington Street North, Roll No. 251802017109650, Property Identification Number (PIN) 17157-0422(LT);
- (h) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:
 - (i) That the subject lands be declared surplus by inclusion in Report PED12219 to Council;
 - (ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on March 27, 2012;

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- (iii) That, in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of Report PED12219 to City Council.

EXECUTIVE SUMMARY:

Staff is seeking Council's approval to declare the subject property surplus to the requirements of the City of Hamilton and direct Real Estate staff to finalize the sale to the adjoining property owners at 535 Wellington Street North and 541 Wellington Street North. Due to the lack of frontage and deficiency in lot area, development of the lot on its own is improbable, thereby limiting divestiture options.

Staff recommends that the property be sold to adjoining land owners at 535 Wellington Street North and 541 Wellington Street North, as lot extensions.

Alternatives for Consideration - see Page 5

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

Financial: The subject parcel is to be sold at fair market value.

Staffing: There are no staffing implications arising from this recommendation, other than Real Estate and Legal Services staff working together to complete the sale of the property.

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

HISTORICAL BACKGROUND:

The information and recommendation contained in this Report primarily affect Ward 12.

The subject property is located in the North End East Neighbourhood, and is situated on the west limit of Wellington Street North. This is a vacant lot of record with a frontage of 6.248 metres (20.5 feet) and a depth of 27.48 metres (90.16 feet). It was acquired by the City in 1967 for urban renewal and soon after its acquisition, a substandard house was cleared from the property. Subsequently, the parcel was leased to adjoining property owners on a month to month basis for \$10, plus property taxes. The southerly 10 feet x 21 feet was leased to the owners of 541 Wellington Street North for parking, while the remaining land was leased to the owner(s) of 535 Wellington Street North. These original lessees have since moved on and the property is sitting vacant.

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Options to dispose of this property are limited, given the existing planning framework and the physical attributes. City Zoning By-Law 065-93 designates the property as “D – Urban Protected Residential”, requiring a minimum frontage of 12 metres (39.37 feet) and lot area of 360 square metres (3,875.13 sq. ft.). This lot of record has a frontage of 6.248 metres (20.5 feet) and area of 171.7 square metres (1,849 sq. ft.) and although the by-law permits construction of a single detached dwelling with some relief of the minimum requirements, application of Section 18.(3)(v) of the by-law would reduce the building envelope width to 4.448 metres (14.6 feet). The likelihood of this lot being developed with a single detached dwelling on such limited frontage is highly improbable.

Further, grading at the rear yard drops by approximately 10 feet and is retained by a wooden wall. After reserving the City’s road widening requirement of 10 feet (in accordance with the Setting Sail Secondary Plan for West Harbour), the rear footprint of any newly constructed house on the subject would likely extend beyond the retaining wall. In summary, the development constraints associated with this property limit its potential and its marketability.

The abutting property owners to the north and south have expressed an interest in acquiring the subject land to extend their yards and to control ongoing issues related to illegal dumping. Based on the foregoing, staff is recommending that the subject property be declared surplus and be sold to the abutting property owners at fair market value.

POLICY IMPLICATIONS:

As no municipal need has been identified for the subject property, Council’s direction is being sought to allow staff to declare the subject property surplus and dispose of the land, in accordance with the City’s Real Estate Portfolio Strategy Plan.

RELEVANT CONSULTATION:

Real Estate staff circulated notice of the surplus lands to relevant City of Hamilton staff. There were no objections to the sale of the lands.

Consultation was also carried out with staff in the following City Departments:

- Legal Services Division, Corporate Services Department
- Planning Division, Planning and Economic Development Department
- Public Works Department
- Ward Councillor

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ANALYSIS / RATIONALE FOR RECOMMENDATION:

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 the cost of maintenance.

ALTERNATIVES FOR CONSIDERATION:

Should Council decide not to declare the lands surplus and approve disposition, the parcel will remain in City ownership for an unknown period of time and continue to be an unproductive asset and a liability for the City of Hamilton.

CORPORATE STRATEGIC PLAN :

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

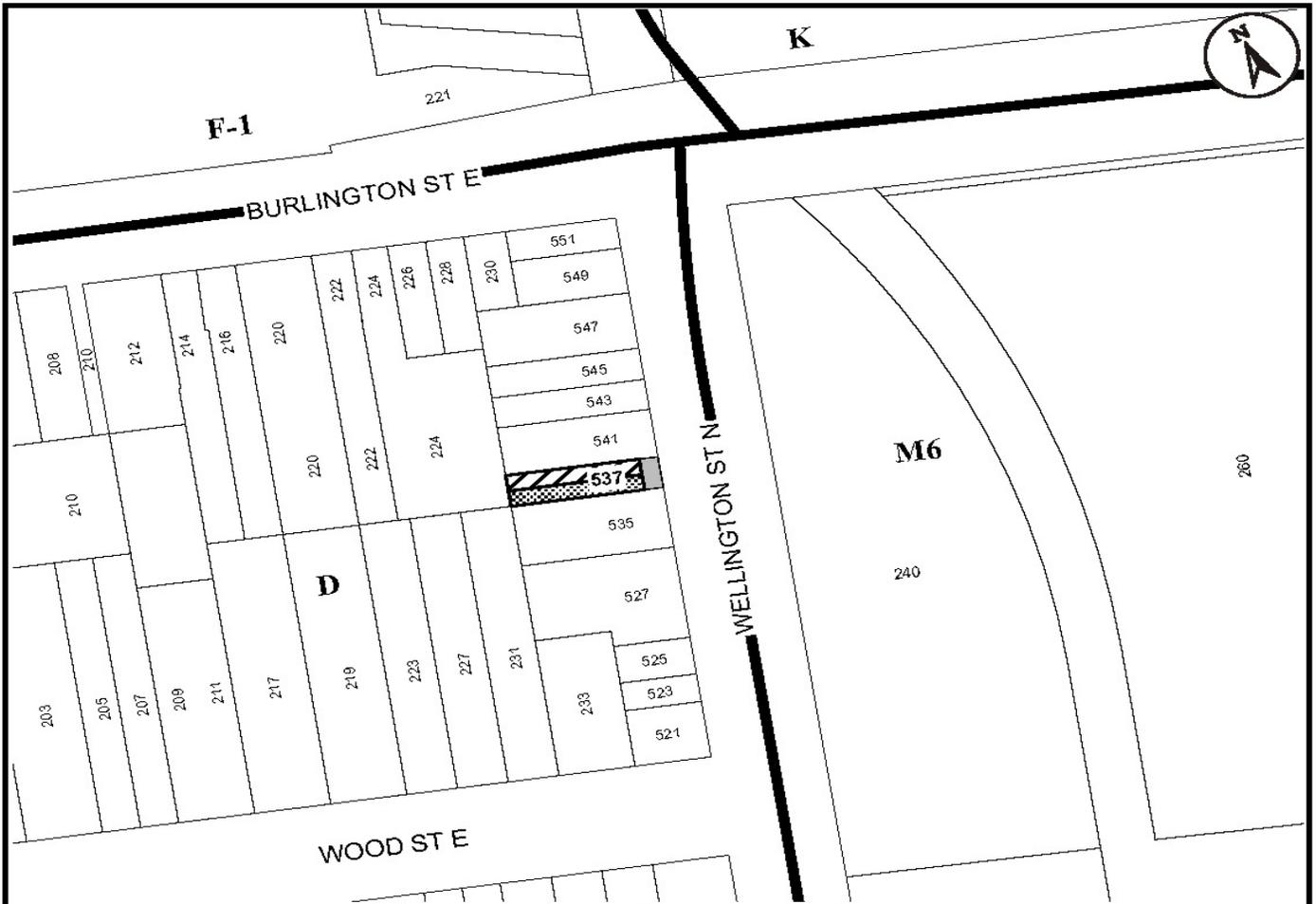
Financial Sustainability

- ◆ Financially sustainable City by 2020 and generate assessment growth.

APPENDICES / SCHEDULES:

Appendix "A" to Report PED12219 - Location Map

FA/sd



● Location of the Site



Ward 2 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
537 Wellington S N

Date:
October 12, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
FA/NB

Subject Property

537 Wellington Street North

- Northern Half to be Sold to Adjoining Owner - 541 Wellington Street North
- Southern Half to be Sold to Adjoining Owner - 535 Wellington Street North
- 10 ft Road Widening Retention