

CITY OF HAMILTON

MOTION

Council Date: February 27, 2013

MOVED BY COUNCILLOR J. PARTRIDGE.....

SECONDED BY COUNCILLOR

RE: Lease Negotiations with the Hamilton Conservation Authority

Whereas interest has been expressed by the Hamilton Conservation Authority to lease the Millgrove Yard #1 for a nominal sum of \$2.00 (see Attachment A); the subject property legally known as Part of Lot 13, Concession 4, FW, FLM, being all of PIN 17545-0018, also municipally known as 594 5th Concession Road, West (Millgrove Yard #1);

And Whereas in exchange, the Hamilton Conservation Authority shall lease to the City of Hamilton a parcel of land described as Part of Lot 22, Concession 2, City of Hamilton formerly Town of Dundas at a nominal sum of \$2.00 for the purpose of a “dog park” in Borer’s Fall Conservation Area;

And Whereas City Council at its meeting held on May 12, 2010 adopted Item 11 of the Public Works Committee Report 10-007, declaring the Millgrove Yard #1 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;

And Whereas the current zoning of the Millgrove site is zoned Public “P” Zone and Conservation Management “CM” Zone, wherein said parcel is majority zoned Public “P” Zone in the Flamborough Zoning By-law 90-145-Z;

And Whereas the current Public “P” Zone permits a “public use” only which is defined as:

Public Use shall mean the use of a *lot, building or structure* by a Municipal, Regional, Provincial or Federal Government or any board or commission thereof, not otherwise identified in this By-law, including, but not limited to:

- (a) municipal offices, libraries, post offices, police stations, fire halls;

- (b) water treating, pumping and storage facilities, sewage pumping or treating facilities and works yards.

And Whereas the intent of the Hamilton Conservation Authority is to relocate their current works operations from their existing facilities located at 838 Mineral Springs Road, Hamilton, On to the Millgrove Yard #1 with all capital and operating costs to be borne by the Hamilton Conservation Authority;

And Whereas Council by way of Public Works Committee Report 10-007, Item 11 (f) directed that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James Street North, Hamilton;

Therefore, Be it Resolved:

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into lease negotiations with the Hamilton Conservation Authority for the lands legally known as Part of Lot 13, Concession 4, FW, FLM, being all of PIN 17545-0018, also municipally known as 594 5th Concession Road, West (Millgrove Yard #1), for a nominal sum of \$2.00 per annum subject to all capital and operating costs to be borne by the Hamilton Conservation Authority.
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into lease negotiations with the Hamilton Conservation Authority for the lands legally described as Part of Lot 22, Concession 2, City of Hamilton formerly Town of Dundas at a nominal sum of \$2.00 for the purpose of a “dog park” in Borer’s Fall Conservation Area.
- (c) That subsection 11(f) of Public Works Committee Report 10-007 be amended by deleting the words: “that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James Street North, Hamilton” as the accommodation/relocation costs have been accommodated within existing budgets;
- (d) That the City Solicitor be authorized and directed to complete the real estate transactions on the terms and conditions set out herein.
- (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.



**Hamilton
Conservation Authority**

Healthy Streams...Healthy Communities!

February 20, 2013

Mayor Bob Bratina and Members of Council
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON
L8P 4Y5

Dear Mayor Bratina and Members of Council:

RE: Lease Agreement between the City of Hamilton and Hamilton Conservation Authority

Please be advised that the Board of Directors of the Hamilton Conservation Authority (HCA) adopted the following recommendations by telephone poll on Friday, February 8, 2013.

Recommendation #1 – City of Hamilton’s – Millgrove Works Yard

THAT staff be authorized to enter into negotiations with the City of Hamilton to develop a long term (20 year) lease, at a nominal annual fee for the Millgrove Works Yard, as noted on the attached Appendix A.

Recommendation #2 – Hopkins Corners Leash Free Dog Park – Borer’s Falls Conservation Area

THAT staff be authorized to enter into negotiations with the City of Hamilton to develop a long term, nominal fee lease for an approximate 2.2 acre parcel adjacent to the intersection of York Road and Valley Road, Dundas.

If you have any questions, please contact me.

Yours sincerely,

Chris Firth-Eagland
Chief Administrative Officer (CAO)

CFE:jl

