



## CITY OF HAMILTON

### PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Economic Development Division

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 5, 2014
<b>SUBJECT/REPORT NO:</b>	City of Hamilton Purchase of 519 Highland Road West, Described as Part of Lot 33, Concession 8, Designated as Parts 11 and 12, Plan 62R-18648 in the Former City of Stoney Creek, now in the City of Hamilton from Duncan MacLellan (PED14010) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	John Hamilton (905) 546-2424 Ext. 7045
<b>SUBMITTED BY:</b>	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

#### RECOMMENDATIONS

- (a) That an Option to Purchase, executed by Duncan MacLellan on December 17, 2013, and scheduled to close on or before April 16, 2014, to purchase the land described as Part of Lot 33, Concession 8, designated as Parts 11 and 12, Plan 62R-18648 in the former City of Stoney Creek, now in the City of Hamilton, known municipally as 519 Highland Road West, Hamilton, as shown on Appendix "A" attached to Report PED14010, be approved and completed, and the purchase price of \$332,000 be charged to Account No. 59259-4030980986 (Trinity Church Corridor);
- (b) That as consideration, the amount of \$2, paid to the owner pursuant to the agreement, be deducted from the purchase price;

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- (c) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to Corporate Counsel;
- (d) That upon City Council approval of the purchase of 519 Highland Road West, the Director of Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 4030980986 (Trinity Church Corridor);
- (e) That the sum of \$18,556 be funded from Account No. 4030980986 (Trinity Church Corridor) and credited to Account No. 47702-3560150200 (Capital – Property Purchases and Sales), being the costs incurred for real estate, appraisal and legal services.

### **EXECUTIVE SUMMARY**

The requirements for a Trinity Church Arterial Corridor were identified in the Rymal Road Planning Area (ROPA 9) Master Plan Class Environmental Assessment (portion north of Rymal Road) and in the North Glanbrook Industrial Business Park Transportation Master Plan (portion south of Rymal Road). These reports addressed Phases 1 and 2 of the Municipal Class Environmental Assessment (EA). Phases 3 and 4 of the Municipal Class EA were addressed through the Trinity Church Arterial Corridor Class Environmental Assessment. The Trinity Church Arterial Corridor received Council endorsement and was approved for filing September 27, 2006.

This report recommends that an Option to Purchase Agreement, in the amount of \$332,000 for the purchase of 0.394 acres, more or less, from Duncan MacLellan, be approved. This Purchase Agreement will include approval to enter into an Authority to Enter Agreement with the Owner, which is required for the City to complete the requisite environmental testing.

The subject property is the last one required for the Trinity Church Road Extension. The front portion of the entire subject property will be used as part of the interchange at Highland Road. The residual portion of the property will be subsequently sold to an abutting owner for development.

***Alternatives for Consideration – see page 4***

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

**Financial:** Sufficient funds are available from Account No. 4030980986 (Trinity Church Corridor).

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**Staffing:** There are no identified staffing implications arising out of this recommendation.

**Legal:** Legal Services will be required to assist in the preparation of the necessary documents required to complete the transaction as set out herein.

## **HISTORICAL BACKGROUND**

The Trinity Church Arterial Corridor Class Environmental Assessment was filed on Public Record in June 2007. A public review period was held June 15 - July 30, 2007. A Part II Order request was submitted by property owners within the study area. A decision has been made by the Ministry of Environment and the Part II Order has been declined.

The preferred alternative for the road alignment requires the City to acquire the property of 519 Highland Road West. The property owner is a willing seller, so it is being proposed that this property acquisition move forward.

519 Highland Road West, situated on the south side between Pritchard Road and Upper Mount Albion Road, is zoned ND – Neighbourhood Development; this property is improved with an older single-family residence currently occupied by Duncan MacLellan.

Mr. MacLellan first learned that his property would be directly impacted by the future alignment of Trinity Church Road during a public consultation meeting in June 2006. In June 2007, the City issued its Notice of Completion for the Class Environmental Assessment for the Trinity Church Arterial Corridor.

In August 2009, the draft Trinity West Secondary Plan was introduced proposing land uses in the immediate area and Real Estate Section was then directed to proceed with negotiations for the property held by Mr. MacLellan. At that time Mr. MacLellan's partner was quite ill and the decision was made to delay the acquisition until the family was capable of dealing with being relocated.

In 2013, Real Estate staff met with Mr. MacLellan on several occasions and reached a mutual agreement to purchase their property on a willing seller/buyer basis, subject to Council's approval. The recommended purchase price of \$332,000 reflects appraised market value, plus relocation and out of pocket costs. The property is the last piece needed for the Trinity Church Extension.

No other environmental issues were identified. The conclusions and recommendations of the Environmental Site Assessment report are that the potential for adverse

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environmental impact on the property is low and no further environmental work is required. City staff are satisfied with the results of the Environmental Site Assessment.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by Council on November 24, 2004, to acquire property in support of municipal programs and needs. As the purchase price of the subject land exceeds the \$250,000 limit set by City Council under the Delegation of Authority approval process, approval is, therefore, required by City Council.

This recommendation is also consistent with the Public Works Department's Strategic Plan, A Compass for Public Works to 2017. The "processes" vision driver, to drive the future success of the Public Works Department is used. By co-ordinating early with the property owners, while they are willing sellers, avoids expropriation later on. The approach of moving forward with the property acquisition now, avoids unnecessary use of resources and time.

### **RELEVANT CONSULTATION**

- Planning and Economic Development Department, Growth Management Division

### **ANALYSIS AND RATIONAL FOR RECOMMENDATION**

The Trinity Church Arterial Corridor will relieve existing high traffic volumes on the north-south local roads, namely Second Road West and Upper Mount Albion, and will allow for future growth within the immediate neighbourhood and within the larger community.

The opportunity to acquire and secure this critical property, and having reached an agreement with Mr. MacLellan on an amicable basis, presents an opportune time to move forward with the acquisition of the site.

To offset the expenditures for acquisition of the lands, staff will be looking at avenues to recapture a portion of the proceeds through the sale of residual lands following construction of the Trinity Road corridor.

### **ALTERNATIVES FOR CONSIDERATION**

In the event approval of the Option to Purchase is not granted by Council, the City may be faced with an expropriation to obtain the 0.16 hectares (0.394 acres) in order to accommodate the proposed intersection. The expropriation process is usually time consuming and costly.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

### **Strategic Objective**

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.

### **Strategic Priority #3**

Leadership & Governance

*WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.*

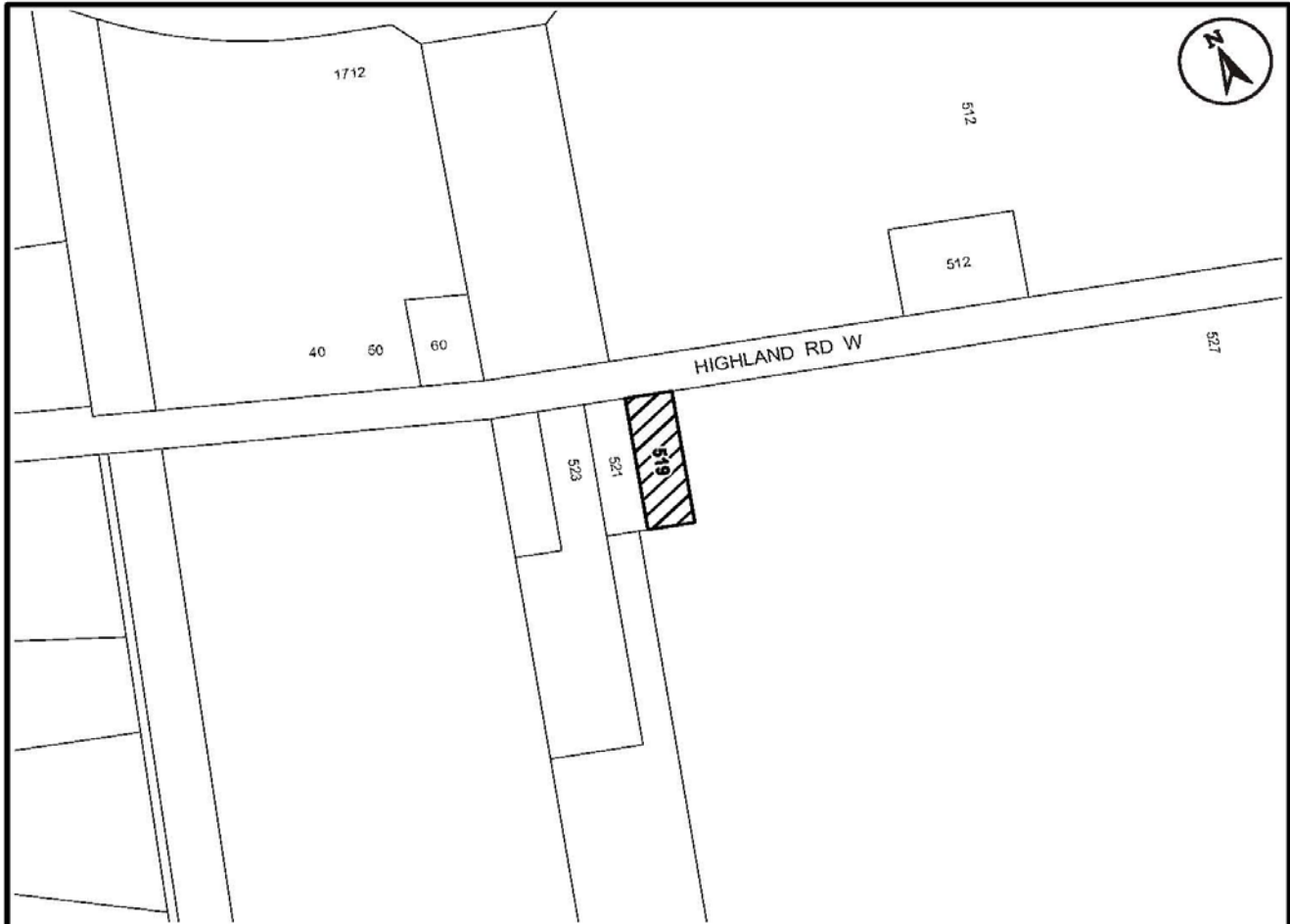
### **Strategic Objective**

- 3.4 Enhance opportunities for administrative and operational efficiencies.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED14010 – Location Map

JH/sd



● Location Map



Ward 9 Key Map

N.T.S.



## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
2007-017

Date:  
January 2, 2014

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JH/AL

### Subject Property



Acquisition required for Trinity Church Road Extension  
519 Highland Road West