

CITY OF HAMILTON

MOTION

Council Date: October 11, 2006

MOVED BY COUNCILLOR ...SAMSON.....

SECONDED BY COUNCILLOR.....

WHEREAS Section 268 of the Municipal Act requires municipalities to enact a By-law pursuant to and in accordance with the requirements of Section 268 and the Regulations prescribed thereunder by the Province, to establish procedures for the sale of real property owned by the municipality;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall by By-law or resolution, declare the lands to be surplus to municipal requirements;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

AND WHEREAS the City of Hamilton acquired title to 0 Pleasant Avenue, described as Block 57 on Plan 62M-727, being PIN #174460398, in the former Town of Dundas by Vesting Order WE357660 on December 2, 2005 as a result of a failed Municipal Tax Sale having a minimum reserve bid of \$3,929.04;

AND WHEREAS Marc Ernest Desjardins and Terry Ann Desjardins of 197 Pleasant Avenue in the former Town of Dundas, have requested the right to acquire 0 Pleasant Avenue described as Block 57 on Plan 62M-727, the lands being located adjacent to 197 Pleasant Avenue for a nominal fee of \$1.00;

**AND WHEREAS** the deemed offer price of \$1.00 for the subject property is below the range of the fair market value as determined by the Municipal Property Assessment Corporation (MPAC) as \$7,500 for the 28.41 feet by 103.87 feet (.032 acre) parcel of vacant residential land;

**AND WHEREAS** the lands known as 0 Pleasant Avenue, Block 57 on Plan 62M-727, being located adjacent to 197 Pleasant Avenue, in the former Town of Dundas cannot be independently developed for residential uses and were intended by the original developers of Pleasant View Heights subdivision, to be added to the lands at 197 Pleasant Avenue to create a regular sized lot;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

- a) That the lands located at 0 Pleasant Avenue, Block 57 on Plan 62M-727 in the former Town of Dundas, now in the City of Hamilton, be declared surplus to the requirements of the City of Hamilton;
- b) That the Real Estate Section of the Planning and Economic Development Department be directed to prepare an Offer to Purchase and dispose of 0 Pleasant Avenue, Block 57 on Plan 62M-727 to the property owners of 197 Pleasant Avenue, in the former Town of Dundas, now in the City of Hamilton, for a nominal fee of \$1.00;
- c) That public notice of the sale of 0 Pleasant Avenue, Block 57 on Plan 62M-727 to the property owners of 197 Pleasant Avenue, in the former Town of Dundas, now in the City of Hamilton, for a nominal fee of \$1.00 is given herein, in accordance with By-law 04-299, "Procedural By-Law for the Sale of Lands";
- d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act;
- e) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.