

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chairman and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager
Date: September 30, 2005 File: 2005 151	Prepared by: Helene Marcotte Ext. 7021

SUBJECT: Declaration of Surplus Lands – Proposed Land Exchange between the City of Hamilton and Marz Homes Holdings Inc., 464 Jones Road and 496 Jones Road, Stoney Creek (PED05148) (Ward 11)

RECOMMENDATION:

- (a) That parts of the City owned lands, municipally known as 464 and 496 Jones Road, Stoney Creek, designated as Part of Lot 12, Broken Front Concession, in the Geographic Township of Saltfleet and; Part of Lots 7, 8, 9 and 10 on Registered Plan 428, formerly in the City of Stoney Creek now in the City of Hamilton, more particularly described as part of Parts 5, 6, 7 and 8 on Reference Plan 62R-15146, subject to an easement over Part 7 as shown on the attached Appendix “A” and “C” to Report PED05148, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law for the Sale of Land, By-Law No. 04-299.
- (b) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to facilitate a land exchange with Marz Homes Holding Inc. and the City of Hamilton of Parts 1, 2, 3, and 4 in exchange for Block 2, all described on the draft survey prepared by A. J. Clarke and Associates Ltd. dated June 27, 2005, as shown on Appendix “B” attached to Report PED05148.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

SUBJECT: Declaration of Surplus Lands – Proposed Land Exchange between the City of Hamilton and Marz Homes Holdings Inc., 464 Jones Road and 496 Jones Road, Stoney Creek (PED05148)(Ward 11)-Page 2 of 4

EXECUTIVE SUMMARY:

This report is to provide direction to staff to facilitate the exchange of City owned lands municipally known as 464 Jones Road and 496 Jones Road in the former City of Stoney Creek for the adjacent lands owned by Marz Homes Holdings Inc. The proposed land exchange is required to fulfil a condition of draft plan approval in order to ensure the provision of sufficient road width and daylight requirements are met pursuant to Engineering Standards.

BACKGROUND:

The information and recommendations contained in this report primarily affect Ward 11.

The Bridgeport Subdivision is situated in lower Stoney Creek north of the Q.E.W., which plan recently received draft plan approval. The developer is in the process of clearing the conditions of approval in order to move forward with the registration of the plan and entering into the necessary subdivision agreement(s) with the City. However, the implementation of the plan requires a land exchange between the Developer and the City to facilitate: a) the internal road system and connection onto the North Service Road, b) a sufficient road width and, c) a daylight triangle.

The parcels subject to the proposed land exchange are Parts 1, 2, 3 and 4 as shown on Attachment “B”. Part 1 is required to establish a road width of 20.1 meters while, Parts 2, 3 and 4 consists of a daylight triangle at the intersection of Dartmouth Gate and the North Service Road. In exchange, the City will receive Block 2 on the draft subdivision plan by Transfer/Deed and the balance of the four Parts will be incorporated into the road allowance by by-law without the necessity of a land transfer taking place.

ANALYSIS OF ALTERNATIVES:

As the City owned lands are within the road allowance of the proposed street pattern pursuant to the draft approved plan, the incorporation of the City lands into the road allowance will allow the plan to move towards registration. The objective of the exchange implements the intent of the approved Trillium Neighbourhood Plan by means of providing sufficient roadway width and daylight triangle. In directly, the parts to be incorporated into the public highway system will be under the ownership of the City. As there is no direct loss to the City, the City through the conveyance of Block 2 obtains a monetary gain in land area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: If this recommendation is approved, staff will take the necessary steps to facilitate the proposed land exchange of the subject property.

Staffing: There is no staffing implication as a result of the recommendation.

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Legal: Legal Services will be required to assist in the preparation of the necessary documents.

POLICIES AFFECTING PROPOSAL:

City Council at its meeting of November 24, 2004, adopted and enacted the Procedural Bylaw for the Sale of Land known as By-Law No. 04-299. This By-law, and in accordance with Item 21 of Report 01-029 of the Committee of the Whole, approved by City Council on September 18, 2001, amended by Item 9 of Report 05-091 of the Corporate Administration Committee on June 26, 2005 approving the Consolidation of Routine Real Estate Matters, requires that all municipally owned real property intended to be sold be surplus to municipal requirements and, if so, Council shall, by By-law or resolution, declare the property surplus.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Real Estate Section completed a circulation to all City Departments requesting comments to the disposal/exchange of the lands.

As a result of the circulation the following comments were received:

Community Planning:

“The subject lands are within the road allowance for proposed streets in this area; specifically Dartmouth Gate and a daylight triangle where Dartmouth meets the North Service Road. The proposal helps to implement the intent of the approved Trillium Neighbourhood Plan, by means of a land exchange between the City and the developer. The land exchange consists of several small parcels to ensure the provision of sufficient roadway width and a daylight triangle.”

Archaeological:

“On the basis of current site conditions, it is noted that the subject properties are within 150 metres of Lake Ontario. As a result, this defines the properties as having high archaeological potential.

The subject properties have been determined to be of high archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any soil disturbance and that a Stage 1 and 2 archaeological assessment may be undertaken prior to such impacts in order to address these concerns.

Should deeply buried archaeological remains be found on the properties during construction activities the Ontario Ministry of Culture (MCL) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the

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Registrar or Deputy Registrar of the Cemeteries Regulations Unit of the Ministry of Consumer and Commercial Relations (416.326.8392).”

Engineering and Zoning:

- The lands are located on Map 2 of Stoney Creek Zoning By-law 3692-92 Block 2 is within the Bridgeport Draft Plan of Subdivision. Parts 1 - 4 are outside of this development.
- Parts 1 – 4 and Block 2 as shown on the attached Attachment “A” are zoned “ND” (Neighbourhood Development).
- The intent is that Block 2 will be incorporated into the Dartmouth Gate. This Division has no comment with respect to this request; however, if the lands are to be developed for residential purposes, the lands shall be rezoned from ”ND”.
- Part 1 is intended to be merged with the Dartmouth Gate road allowance to create a 20.1m road allowance. The Division has no comment with respect to the request.
- Parts 2 - 4 are intended as a daylight triangle, which will also include the installation of landscape gateway. Please be advised that if the landscaped gateway includes a fence or privacy screen within this sight triangle (daylight triangle), it shall be of open construction and cannot obstruct the visibility of motorists and pedestrians and shall not exceed 1 metre in height above the effective ground level (pursuant to the Stoney Creek Fence By-law 4054-94).

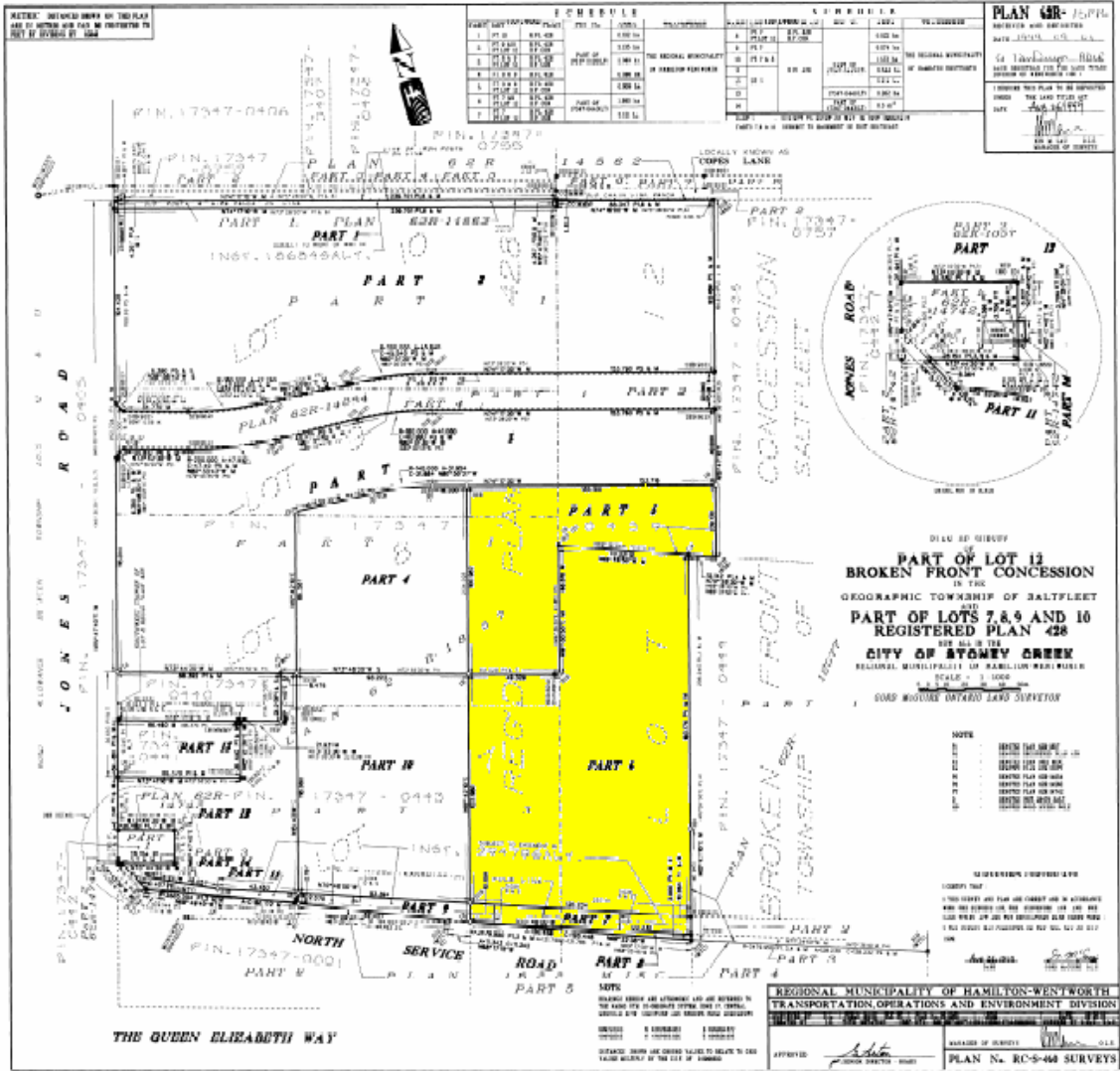
CITY STRATEGIC COMMITMENT:

The proposed land exchange to Marz Homes Holdings Inc. will facilitate the necessary road system to allow the subdivision to proceed and supply a range of housing options for Hamilton’s future residents.

:HM

Attachs. (3)

APPENDIX "A" TO REPORT PED05148



SCHEDULE

NO.	DESCRIPTION	AREA (SQ. FT.)	REMARKS
1	LOT 13	1,438.00	LOCALLY KNOWN AS CONCESSION LANE
2	LOT 7	1,438.00	THE REGIONAL MUNICIPALITY OF HAMILTON
3	LOT 8	1,438.00	THE REGIONAL MUNICIPALITY OF HAMILTON
4	LOT 9	1,438.00	THE REGIONAL MUNICIPALITY OF HAMILTON
5	LOT 10	1,438.00	THE REGIONAL MUNICIPALITY OF HAMILTON
6	LOT 11	1,438.00	THE REGIONAL MUNICIPALITY OF HAMILTON
7	LOT 12	1,438.00	THE REGIONAL MUNICIPALITY OF HAMILTON

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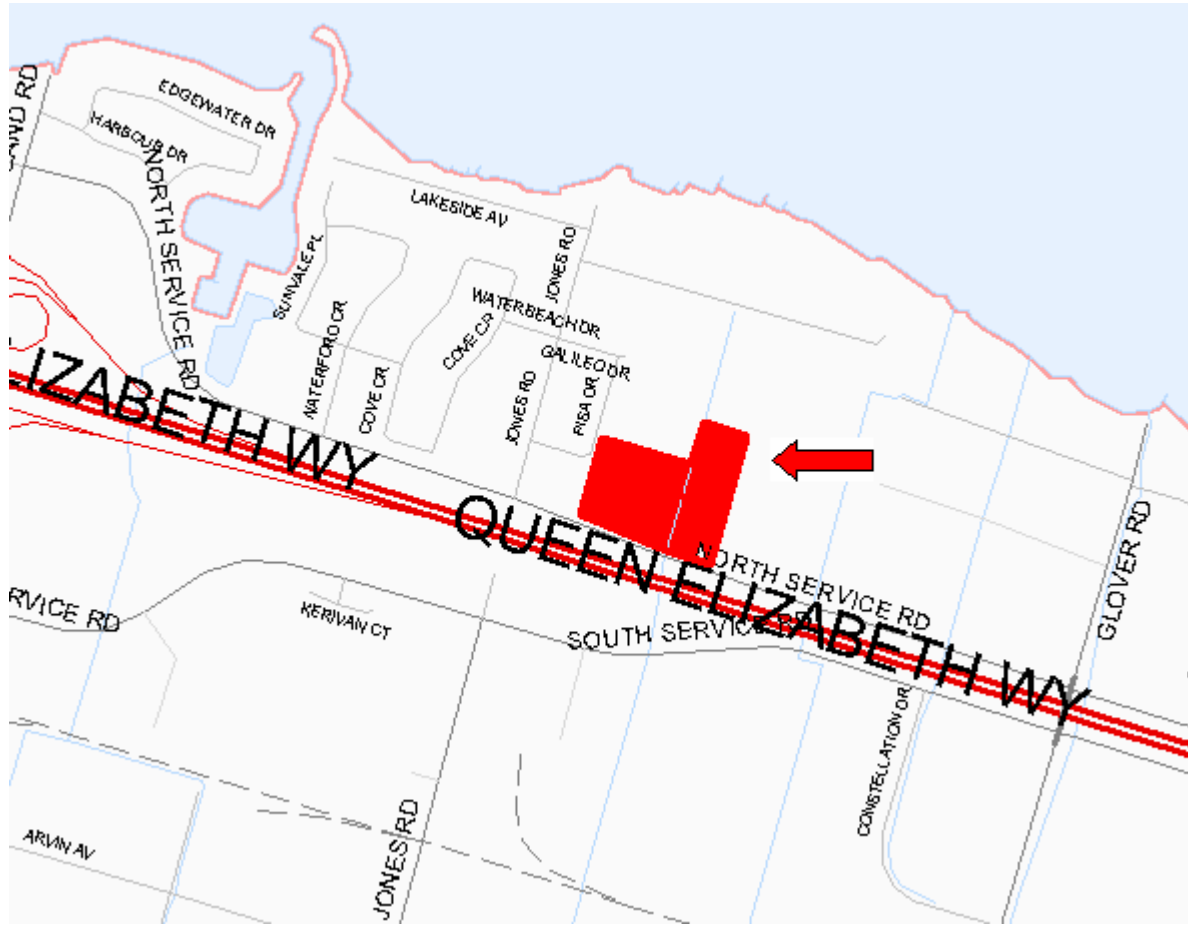
PLAN 68R-15876
 REGISTERED AND EXHIBITED
 DATE 12/15/11
 BY THE REGISTRAR
 OF THE REGISTRY
 OF DEEDS
 OF ONTARIO
 IN WITNESS WHEREOF
 THE REGISTRAR
 HAS HEREUNTO SET HIS HAND AND SEAL
 AT TORONTO
 ON 12/15/11



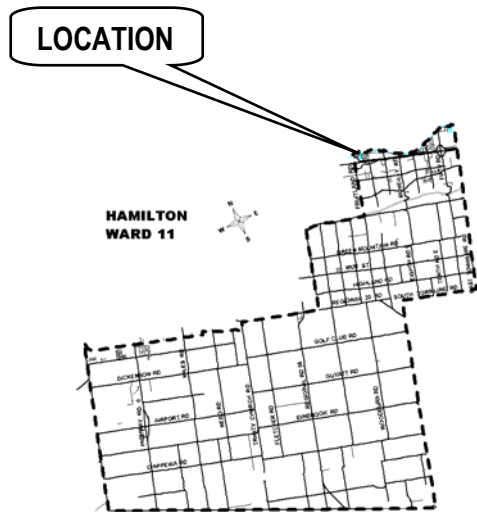
DIST. OF GIBSON
**PART OF LOT 13
 BROKEN FRONT CONCESSION**
 IN THE
 GEOGRAPHIC TOWNSHIP OF SALTFLYET
 AND
**PART OF LOTS 7, 8 AND 10
 REGISTERED PLAN 428**
 THE DIST. OF THE
CITY OF STONEY CREEK
 REGIONAL MUNICIPALITY OF HAMILTON WEST NORTH
 SCALE = 1:1000
 2011
 SOLOM WOODS DAYWARD LAND SURVEYORS

- NOTE**
- 1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS THEREUNDER.
 - 2. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS THEREUNDER.
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REGIONAL MUNICIPALITY OF HAMILTON-WEST NORTH
 TRANSPORTATION, OPERATIONS AND ENVIRONMENT DIVISION
 APPROVED: [Signature]
 REGIONAL MUNICIPALITY OF HAMILTON-WEST NORTH
 TRANSPORTATION, OPERATIONS AND ENVIRONMENT DIVISION
 PLAN No. RC-5-468 SURVEYS



KEY MAP



LOCATION PLAN

464 Jones Road, Stoney Creek

**REAL ESTATE SECTION
PLANNING & ECONOMIC DEVELOPMENT
CITY OF HAMILTON**

LEGEND



SCALE
NOT TO SCALE

DATE
2005-10-12

REFERENCE FILE NO: **2005 151**