



MOTION

James MacDonald School, 200 Chester Avenue, Hamilton

WHEREAS, the Hamilton-Wentworth District School Board on December 21, 2005 had notified the City of Hamilton that approval was granted by the Hamilton-Wentworth District School Board declaring a portion of the Board's lands surplus to their needs, described as Parcel A and B, Part of Lot 17, Concession 7, in the former Township of Barton, now in the City of Hamilton, municipally known as part of 200 Chester Avenue, Hamilton;

AND WHEREAS, the City of Hamilton was afforded the opportunity in accordance with Ontario Regulations 444/98 allowing preferred agencies to submit a bona fide offer within ninety (90) days of receipt of the Hamilton-Wentworth District School Board notice of declaration;

AND WHEREAS, City Council on March 1, 2006 in adopting Item 21 of the Planning and Economic Development Report 06-003 respecting Surplus Hamilton-Wentworth District School Board Lands – Part of James MacDonald School, 200 Chester Avenue, Hamilton, authorized and directed the Real Estate Section of the Development and Real Estate Division to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring the lands composed of Parcels A and B that form Part of Lot 17, Concession 7, in the former Township of Barton, now in the City of Hamilton, municipally known as part of 200 Chester Avenue, Hamilton;

AND WHEREAS, the Ward Councillor representing Ward 8 has under took extensive public consultation with the Community Council representing the Gourley Neighbourhood Association;

AND WHEREAS, the Gourley Neighbourhood Association has expressed concern over the disposition of the Hamilton-Wentworth District School Board lands and to the potential redevelopment of the site for residential purposes to be located in close proximity to an active playfield situated on school board lands and that there are no options for relocation;

AND WHEREAS, it would be desirable for the Hamilton-Wentworth District School Board to include provisions within their Offer to Purchase/Tender documents advising all prospective purchasers of the current sport activities taking place on school board lands and potential mitigation measures to ensure and protect these ongoing activities.

NOW, THEREFORE IT BE RESOLVED:

- (a) That the Hamilton-Wentworth District School Board be requested to include a clause within their Offer to Purchase/Tender documents to advise Purchasers that the subject property is located within close proximity to an active playfield where occasionally, sports related activities including noise, lighting, stray balls, etc. may interfere with the indoor/outdoor activities of the homeowner, occupants or visitors and that along with these activities, there is the potential risk of personal injury or damage to the property;
- (b) That the Hamilton-Wentworth District School Board be requested to include a clause within their Offer to Purchase/Tender documents to advise Purchasers that at the time of development of the site for residential purposes, that in addition to clause (a) above, protective measures will be taken to ensure and to protect the ongoing activities with the installation of proper fencing shall be required along the rear lot line of the proposed residential lots and that a warning clause shall be registered on title to the properties as noted in clause (a) above;
- (c) That the Hamilton-Wentworth District School Board be requested to utilize the sale proceeds from the sale of the Board's surplus lands to construct a bus drop off area along Apple Blossom Avenue at James MacDonald School for the health and safety of the children.