

**AFFECTS
WARD 1**

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: April 4, 2006	Prepared by: Scott G. Beveridge (905) 546-2424, Ext. 7024
File: 2005-090	Marilyn Preston (905) 546-2424, Ext 4298

SUBJECT: Amending Hamilton City Council's Approval of Item 3 of the Fifth Report of the Transportation and Environment Committee of March 8, 1994 and the Declaration of Surplus Property and Sale of Part 1 on Reference Plan 62R-13005 Abutting 37 Strathcona Avenue North, Hamilton (PED06092) (Ward 1)

RECOMMENDATION:

- (a) That Item 3 of the Fifth Report of the Transportation and Environment Committee, approved by Hamilton City Council on March 8, 1994, be amended to allow the existing unassumed alley over Part 2 on Reference Plan 62R-13005 to be closed and the related decision to establish a new alley on Part 1 on Reference Plan 62R-13005 be rescinded.
- (b) That the lands identified as being part of Part Lot 26, Plan 359, in the City of Hamilton, more particularly described as Part 1 on Plan 62R-13005 (as shown on Appendix A to Report PED06092), and all of Property Identification Number 171470216 having an area of 174.5 square metres (1878 square feet), be declared surplus to the requirements of the City of Hamilton.
- (c) That the City of Hamilton sell Part 1 on Reference Plan 62R-13005 back to the original owner, the Hellenic Community of Hamilton and District, for a nominal amount.
- (d) That the Real Estate Section be directed to sell Part 2 on Reference Plan 62R-13005 to the Hellenic Community of Hamilton and District at market value upon the applicant obtaining a Judge's Order to stop up and close the unassumed alley over Part 2 on Reference Plan 62R-13005.

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- (e) That Legal Services be directed to complete the appropriate By-law for Council to remove Part 2 on Reference Plan 62R-13005 from the City's inventory of Public Highways.
- (f) That the Mayor and the City Clerk be authorized and directed to execute all the necessary sale and release documents for the sale of Part 1 on Reference Plan 62R-13005, in a form satisfactory to the City Solicitor.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of this report is to amend the decision of the former Hamilton City Council of March 8, 1994, requiring that the closure of the unassumed alley over Part 2 on Plan 62R-13005 be contingent on the opening of a new alley over Part 1 on Plan 62R-13005. With the approval of this amendment, City Council can proceed to declare Part 1, Plan 62R-13005, surplus to the requirements of the City and to approve the transfer of this parcel, for a nominal amount, to the abutting property owner, namely the Hellenic Community of Hamilton and District.

BACKGROUND:

In 1994, the Hellenic Community of Hamilton and District, St. Demetrios Greek Orthodox Church, initiated two applications with the City of Hamilton. The first was a Site Plan Control Application (DA-94-10) for a new structure at 37 Strathcona Avenue North (as shown on Appendix B to Report PED06092). The second application was to close an existing alleyway running north off Head Street and identified as Part 2 on Registered Plan 62R-13005.

During the Site Plan process in 1994, it had been noted that the existing alleyway (Part 2, Plan 62R-13005) had to be closed and sold to the applicant to allow for the construction of an addition to its church buildings. At its meeting of March 8, 1994, however, City Council approved the closure of the existing alleyway (Part 2, Plan 62R-13005) with the stipulation that the alleyway be relocated to Part 1, Plan 62R-13005, to afford users of the alley an egress and ingress off Strathcona Avenue North. Since Part 1, Plan 62R-13005, was owned by the Hellenic Community of Hamilton and District, St. Demetrios Greek Orthodox Church, this parcel had to be transferred to the City from the Church. This transfer was completed on September 19, 1994, via Instrument Number VM194190, at a nominal fee of \$2.00.

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The Church, however, failed to proceed with either the Site Plan Application or the required Judge's Order to formally close the existing alley (Part 2, Plan 62R-13005). The existing alley continued in use as an alley, while Part 1 was never opened up as an alley.

At the present time, the Hellenic Community of Hamilton and District, St. Demetrios Greek Orthodox Church, has submitted a new Site Plan Application (DA-05-166). This application is for the construction of a 5 storey apartment building with 39 units to be built in conjunction with the historical fire station, which is also on this site. This project is to be partially funded by the Province of Ontario. The Planning and Economic Development Department advises Real Estate that the applicant requires that both Parts 1 & 2, Plan 62R-13005, be in their ownership for the Site Plan to be approved.

In 1994, Part 1, Plan 62R-13005, was transferred to the City as part of an exchange between the City and the Church as part of the proposed alley closure. However, this exchange was not fully completed as the applicant did not proceed to have the existing alley, Part 2, Plan 62R-13005, formally closed, via a Judge's Order. Therefore, the City had Part 1, but the Church did not receive Part 2.

Recently, a meeting was held with the Ward Councillor and staff from Legal Services, Traffic, Planning and Real Estate. At this meeting, the Ward Councillor indicated that he was in favour of the proposed development by the Hellenic Community of Hamilton and District. At the meeting, a solution to facilitate the development was worked out and one of the steps in the process is the disposal of the subject property (Parts 1 and 2 on Plan 62R-13005) in favour of the applicant. Given that the result of completing these two transactions is to effectively "dead end" the existing alley between Head and Lamoreaux Streets, an amendment to the Council decision of March 8, 1994, is required. The March 8, 1994 Council decision to close the alley over Part 2 on Plan 62R-13005 included the requirement that the existing alley was to be extended to Strathcona Avenue North over Part 1 on Plan 62R-13005, thereby creating two ingress/egress points for the existing alley. Since the current direction contradicts the original Council resolution, an amendment to the March 8, 1994 decision is required so that staff can complete these transactions.

ANALYSIS/RATIONALE:

The City of Hamilton is working with the Hellenic Community of Hamilton and District, St. Demetrios Greek Orthodox Church, as a community partner to bring an additional 39 apartment units to this area of the City.

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ALTERNATIVES FOR CONSIDERATION:

Planning advises that a significant alteration of the submitted site plan would be required and/or variances if the City could not transfer Part 1, and subsequently Part 2 on Plan 62R-13005, to the applicant. The required time to make these changes may jeopardize the Provincial funding.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: This proposal is cost neutral.

Staffing: There are minimal staffing implications.

Legal: Legal Services will be required to complete the transfer.

POLICIES AFFECTING PROPOSAL:

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by City Council on November 24, 2004, and the "Procedural By-law for the Sale of Land", By-law #04-299. By-law #04-299 notes that City Council must declare surplus any lands to be disposed of by the City.

RELEVANT CONSULTATION:

The Real Estate Section completed a circulation to a number of City Departments that may have interest in these transactions. None of the City Departments circulated objected to the sale of the subject property.

As this disposal is related to both the 1994 alley closure approved and the current Site Plan Application, Real Estate requested that a meeting be convened with all relevant participants. Therefore, a meeting was held with the Ward Councillor and City staff from Real Estate, Legal Services, Traffic and Planning to ensure that all parties were able to work towards a solution and facilitate the development of the site by the applicant. One of the steps in this process is the disposal of the subject property in favour of the applicant.

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CITY STRATEGIC COMMITMENT:

By evaluating the "Triple Bottom Line", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. Yes No
Partnerships are promoted.

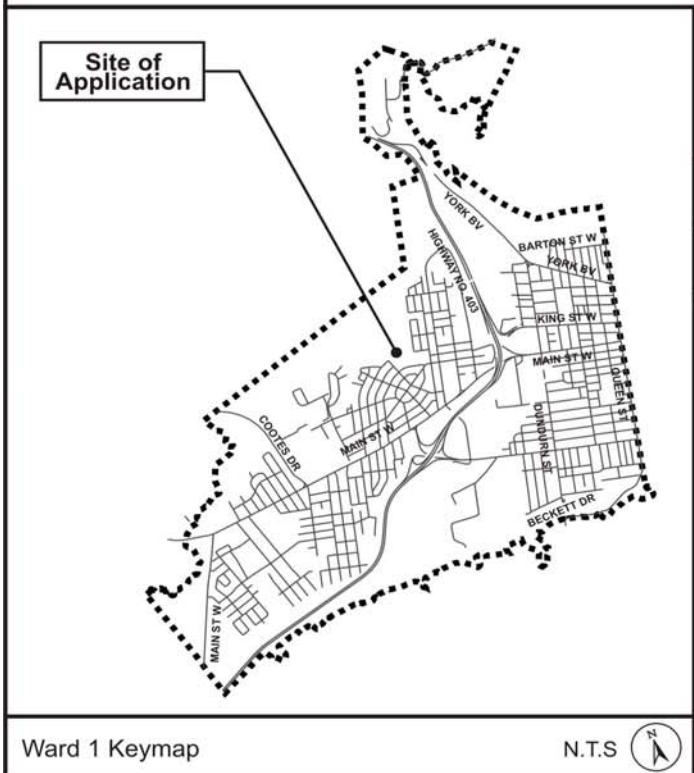
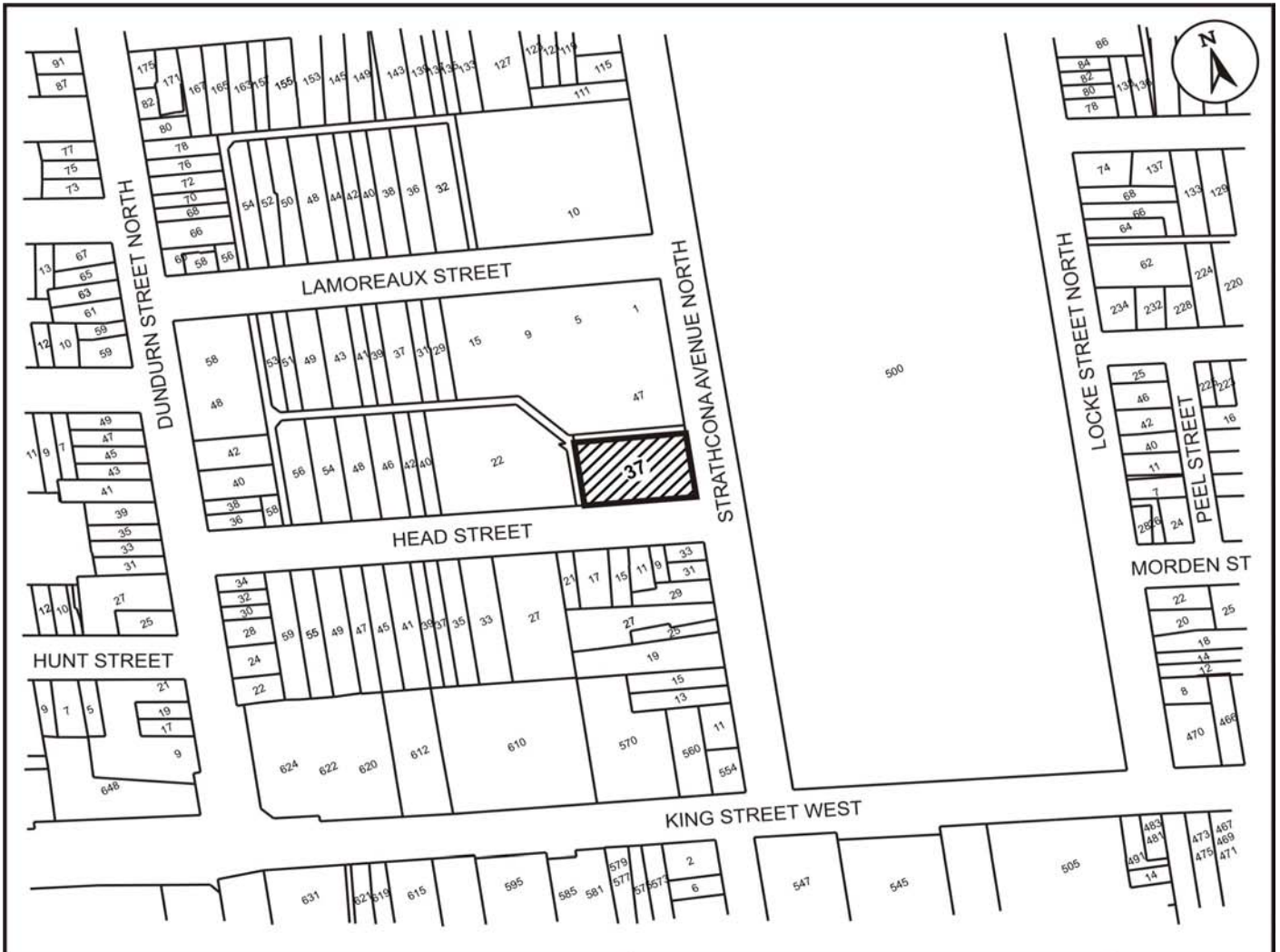
Environmental Well-Being is enhanced. Yes No
Consumption of all natural resources is reduced.


Economic Well-Being is enhanced. Yes No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
 Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
 Yes No

:SGB
Attachs. (2)



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
<h2>Location Map</h2>		
File Name/Number:	Date:	
37 Strathcona Ave N	March 3, 2006	
Appendix "A"	Scale:	Planner/Technician:
	N.T.S.	SB/NB


Subject Property
 37 Strathcona Avenue North (Hamilton)

Ward 1 Keymap N.T.S. 