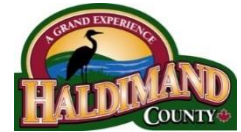

HALDIMAND COUNTY

Report LSS-12-2019 Unsolicited Offer from 2589200 Ontario Inc., Former Rail Line in Hagersville



For Consideration by Council in Committee on April 16, 2019

OBJECTIVE:

To provide details of an unsolicited offer to purchase vacant County-owned property abutting the Hagersville Arena in Hagersville.

RECOMMENDATIONS:

1. THAT Report LSS-12-2019 Unsolicited Offer from 2589200 Ontario Inc., Former Rail Line in Hagersville be received;
2. AND THAT Memorandum LSS-M07-2019 Additional Information Related to Report LSS-12-2019 be received as information and remain confidential;
3. AND THAT staff proceed with the direction provided by Council in closed session for the property legally described as PIN # 38183-0511(LT), being Part of Block 46, Plan 905 Hagersville; Part Lot 29 Range East of Plank Road Oneida, Part 3 on 18R-6353 and Part 1 on 18R-6234; Haldimand County;
4. AND THAT the Mayor and Clerk be authorized to execute all necessary documents;
5. AND THAT a by-law be presented to authorize a sale, if applicable.

Prepared by: Sandra Marsh, Property Coordinator

Reviewed by: Dana McLean, Supervisor, Risk Management & Legal Services

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

An unsolicited offer to purchase vacant County-owned lands abutting the Hagersville Arena in Hagersville has been received. Closed session Memorandum LSS-M07-2019 provides an analysis of the options available to Council.

BACKGROUND:

Staff have received an unsolicited offer, including the applicable fee, from 2589200 Ontario Inc. (Omar Aboya) to purchase vacant County-owned land abutting the Hagersville Arena in Hagersville. A location map of the subject property is shown as Attachment #1. The subject property is zoned Community Institutional, has a total area of approximately 2.60 acres, is landlocked and is legally described as PIN # 38183-0511(LT), being Part of Block 46, Plan 905 Hagersville; Part Lot 29 Range East of Plank Road Oneida, Part 3 on 18R-6353 and Part 1 on 18R-6234; Haldimand County.

If the sale is approved by Council, Mr. Aboya has advised staff the he intends to use the property for future development. The offer indicates the buyer would allow abutting property owners crossing/path access, however without requiring an easement for each abutting property owner, there is no way for the County to guarantee this.

ANALYSIS:

In order to determine the feasibility of the sale of this property, staff contacted all County Divisions to determine if there is a municipal need for the lands, in whole or in part, or if there are certain restrictions or provisions that should be placed on the sale. Comments received indicated a need to retain the property for municipal purposes.

The following staff comments were received:

Facilities Capital & Asset Management:

Regarding the above, I am not in favour of a sale of this property. Hagersville is a growing community and the County has made considerable investments into the arena and Grant Kett Park over the last few years. This property borders the parking lot and would be required when expansion is required. Further, one baseball diamond backstop abuts the property. The nominal monies we would get for the sale would be soon lost in the costs of further development. The last reason to oppose this sale is the ongoing creation of walking trails throughout the County. These lands would seem to be integral to trails in Hagersville.

Facilities, Parks, Cemeteries & Forestry Operations:

FPC does not support the sale of the marked lands. The parcel of land located directly north of the Hagersville Arena could have potential for future parking if needed for the arena/park operation.

Community Development and Partnerships:

Part of the Trails Master Plan to connect amenities within urban areas is to build a walking route around the arena and park area and connect on street to a path around Lions Park. The rail line would be used as the walking route because the current location and fencing is on the park property line leaving no room for a 3 meter walking route to be built.

Engineering Services:

Engineering does not support the sale of this property as there is storm infrastructure located on the property that drains the parking lot for the neighbouring arena.

Planning and Development

The subject lands are designated 'Residential' and are an 'Identified Trail Location' in Haldimand County's Official Plan. The OP generally directs development away from identified trail locations. To avoid the County having to enter into long-term access and maintenance agreements with a new property owner, the County may want to keep these lands within their holdings.

The subject lands are zoned 'Community Institutional' (IC) which permits a variety of institutional uses subject to the zone provisions. Unfortunately, the subject lands do not appear to have frontage on a right-of-way (in addition to possible other deficiencies), and, if development is proposed, Planning Act approvals will be required (but are not guaranteed).

The PPS and Official Plan require us to consider impacts to the adjacent quarry (LaFarge). Any new development must not impact the existing quarry operation. The OP requires that any proposed residential or institutional development within 500 m of the quarry must be assessed and appropriate separation distances shall be established in consultation with appropriate agencies (including Lafarge) – the setbacks should be based on supporting studies. This may impact any intended development of the subject lands.

Additionally, the subject lands do not appear to have any frontage on a right-of-way, which generally prohibits new development. It also doesn't appear that any services that would support development (water, sanitary, etc.) extend to the subject lands.

Mr. Aboya was made aware of the municipal need to retain ownership of the property. Mr. Aboya then paid the \$690 administration fee and submitted his offer for the property despite being aware of the desire to retain the lands. The offer is in the amount of \$2,000 with standard terms and conditions.

Staff have reviewed the offer and have prepared confidential Memorandum LSS-M07-2019, which provides additional information regarding options for the disposal of this property, for discussion during the Closed Session of the Council in Committee meeting of April 16, 2019. Staff will then proceed in accordance with Council's direction.

A recommendation declaring the property surplus will be required should Council decide to sell it.

FINANCIAL/LEGAL IMPLICATIONS:

The County will be responsible for its title searching costs, which are estimated at approximately \$100.

If the property is declared as surplus and sold, net revenue generated from the sale of the property would be placed in the Land Sales Reserve, in accordance with County Policy.

If sold, the property would generate property tax revenue and would no longer be the responsibility or liability of the County.

STAKEHOLDER IMPACTS:

Planning and Development, Facilities, Parks, Cemeteries & Forestry Operations, Facilities Capital & Asset Management, Engineering Services and Community Development & Partnerships staff have provided information for this Report.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Lands
2. Unsolicited Offer from 2589200 Ontario Inc.