TO: Chair and Members  
Economic Development and Planning Committee  

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: September 21, 2010

SUBJECT/REPORT NO: To Incorporate Certain Land Into Fall Fair Way by By-law (PED10198) (Ward 11)

SUBMITTED BY: Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY: Steve Ryan, (905) 546-2424, Ext. 1354

SIGNATURE:

RECOMMENDATION

That By-laws to incorporate Parts 1 and 2 on Plan 62R-18645 and Part 1 on Plan 62R-18674 into Fall Fair Way be prepared to the satisfaction of Corporate Counsel and be enacted by Council and that the General Manager of Public Works be authorized and directed to register the By-Laws.

EXECUTIVE SUMMARY

These lands have been transferred to the City of Hamilton for road purposes as part of the development process.

Alternatives for Consideration – See Page 3
FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: These lands have been transferred to the City of Hamilton for road purposes as part of the development process. Life cycle costs associated with extensions of the road network are estimated at $7,280.00 per lane kilometre per annum operating, and $17,820.00 per lane kilometre per annum capital.

Staffing: There are no associated staffing implications, other than future operations and maintenance impacts with road network extensions.

Legal: The City of Hamilton is complying with the relevant legislation by enacting these By-laws.

HISTORICAL BACKGROUND (Chronology of events)

The information/recommendation contained within this Report affects Ward 11.

Prior to the registration and development of the Binbrook Heights Subdivision, the developer, Rob-Geof Developments Limited, entered and registered into an External Works Agreement with the City of Hamilton for the purpose of constructing Fall Fair Way. As a condition of approval, the developer transferred Parts 1 and 2 on Plan 62R-18645 and Part 1 on Plan 62R-18674 to the City for the purpose of establishing Fall Fair Way as a public highway.

To clear conditions of the draft plan approval for Binbrook Heights, it is necessary to incorporate City land into the road allowance as indicated below:

<table>
<thead>
<tr>
<th>Incorporating into Street Name</th>
<th>Land Description Being Incorporated</th>
<th>Financial Implications</th>
<th>Reason for Being Incorporated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall Fair Way</td>
<td>Parts 1 &amp; 2, Plan 62R-18645 and Part 1, 62R-18674 PIN 17384-0463 (LT)</td>
<td>N/A</td>
<td>To complete final street widths</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS

The recommendation in this Report does not bind the corporation to any policy matter.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
RELEVANT CONSULTATION

We have consulted with both the Survey Section of the Public Works Department and Legal Services of the City Manager’s Office.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Current provincial legislation requires a municipal by-law passed by Council to incorporate lands into the municipal public highway system. This Report follows requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The alternative to not incorporating these lands into public highway would be to bar legal access to abutting lands. This would conflict with the development strategy and approved road patterns.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Financial Sustainability

- Financially Sustainable City by 2020
- Effective and sustainable Growth Management
- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner
- Full life-cycle costing for capital
- Address infrastructure deficiencies and unfunded liabilities
- Generate assessment growth/non-tax revenues
- Sustainable Tri-party Government Agreement

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<table>
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<th>APPENDICES / SCHEDULES</th>
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<tr>
<td>Appendix “A” -</td>
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<td>Appendix “B” -</td>
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</table>

SR:tl
Attachs.(2)
Location Map

File Name/Number:
Incorporation of Lands into Fall Fair Way

Date:
August 16, 2010

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
SR/NS

Subject Property
Fall Fair Way Road Allowance

Ward 11 Key Map
N.T.S.
CITY OF HAMILTON
BY-LAW NO. 10-
TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 AND 2 ON PLAN 62R-18645 AND PART 1 ON PLAN 62R-18674 INTO FALL FAIR WAY

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Fall Fair Way within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

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

1. That the following land is hereby established and laid out as a public highway to form part of Fall Fair Way.

   Part of Lot 1, Block 4, Concession 3 in the Geographic Township of Binbrook, now in the City of Hamilton. Designated as Parts 1 and 2 on Plan 62R-18645.

   Part of Lot 1, Block 4, Concession 3 in the Geographic Township of Binbrook, now in the City of Hamilton. Designated as Part 1 on Plan 62R-18674.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this _____ day of __________, 20__

____________________________________  ______________________________
Fred Eisenberger                      Rose Caterini
Mayor                                City Clerk