VIA EMAIL mary.gallagher@hamilton.ca, alexandra.rawlings@hamilton.ca, timmccabe@hamilton.ca and FAX (905) 546-2095

September 10, 2010

Mary Gallagher
Deputy Clerk
City of Hamilton

Tim McCabe
General Manager, Planning and Development
City of Hamilton

Dear Ms. Gallagher, Mr. McCabe and City of Hamilton Council Members:

RE: Request for Adjournment Sine Die of Approval of Waterdown South Secondary Plan, Urban Design Guidelines and South Waterdown Watershed Study PED10171 (Ward 15)

We are counsel to Mr. C. Roy James ("Mr. James") and Jaroc Management, who are the owners of the 9-acre parcel of land directly adjacent to the Waterdown South Secondary Plan.

We hereby request that the approval of the Waterdown South Secondary Plan ("Plan") and the Waterdown South Watershed Study (PED10171) ("Study") in Ward 15 be adjourned sine die to a date beyond September 14, 2010 and September 15, 2010 for the following reasons:

1. There are errors, deficiencies and/or omissions in the above-cited Plan and Study which will result in serious prejudice to Mr. James and Jaroc Management’s economic and property rights. Specifically, Mr. James and Jaroc Management’s concerns relate to the lack of a public access road A.9.9.2 (i); the location of the proposed pond directly adjacent to Mr. James and Jaroc Management’s property; and the proposed change in zoning.

2. The Plan and Study raise serious safety concerns for the residents currently living on Mr. James and Jaroc Management’s property.

3. Mr. James and Jaroc Management have not been adequately consulted to date on the Plan and Study which directly affect their economic rights, property rights, and safety.

Mr. James has previously submitted a report to the City of Hamilton outlining his concerns prior to the September 7, 2010 Planning and Economic Development Sub-Committee meeting. To
date, Mr. James' concerns have not been addressed nor has he been adequately engaged in this process.

Please confirm at your earliest convenience that the approval of the above-cited Plan and Study will be adjourned sine die to a date beyond September 14, 2010 and September 15, 2010 and that this letter will be included in the materials circulated to Council Members after your 11:00 a.m. deadline today.

Please acknowledge your receipt of this letter at your earliest convenience.

Yours truly,

PINTO WRAY JAMES LLP

[Signature]

Patrick James
PJ/ar
c. client