Committee of the Whole
MINUTES
9:30 a.m.
Friday, February 8, 2008
Albion Room, Hamilton Convention Centre

Present: Mayor F. Eisenberger
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, M. McCarthy, D. Mitchell,
M. Pearson, S. Merulla, B. Morelli, R. Pasuta, and R. Powers
and T. Whitehead

Absent with Regrets: Councillor B. McHattie, medical leave

Also Present: G. Peace, City Manager
S. Stewart, General Manager, Public Works
A. Zuidema, Senior Solicitor

THE FOLLOWING WAS REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. Settlement of Claims Made Under The Expropriations Act by:
   Arrowline Gas Ltd., M.C.G.W. Properties Corporation and Q Lube
   Ontario Inc., McDonald's Restaurants of Canada Limited, Vinnefield
   Trading Inc., Avondale Stores Limited, Donut Diners Inc. and
   1136075 Ontario Limited arising from the closure of Limeridge Road
   East, at Upper Wentworth Street (LS08001) - (Ward 7 with City Wide
   Implications)

   (a) That the City of Hamilton enter into minutes of settlement to resolve
   the claims made under the Expropriation Act by: Arrowline Gas
   Ltd., M.C.G.W. Properties Corporation and Q Lube Ontario Inc.,
   McDonald's Restaurants of Canada Limited, Vinnefield Trading
   Inc., Avondale Stores Limited, Donut Diners Inc. and 1136075
   Ontario Limited (collectively, the "claimants"), arising from the
   closure of Limeridge Road East, at Upper Wentworth Street as
   shown in Appendix “A” attached to Report LS 08001;
(b) That the final net payment of approximately $1,795,000 resulting from the settlement be approved and that this amount be charged to Account Number 4060087001 (Expressway - Land Purchase);

(c) That the final net payment of $1,795,000 resulting from the settlement of the expropriation claim be made to Legal Counsel, in Trust for Arrowline Gas Ltd., M.C.G.W. Properties Corporation and Q Lube Ontario Inc., McDonald's Restaurants of Canada Limited, Vinnefield Trading Inc., Avondale Stores Limited, Donut Diners Inc. and 1136075 Ontario Limited;

(d) That staff be directed to continue to pursue the settlement of the claim made by Jamestown Construction Limited, also arising from the closure of Limeridge Road East, at Upper Wentworth Street, and failing the negotiation of a settlement, that staff be directed to proceed to respond to the claim at the Ontario Municipal Board;

(e) That the Mayor and Clerk be authorized and directed to execute any documents necessary to implement these settlements, in a form satisfactory to the City Solicitor. CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

There were no changes to the agenda.

(That the agenda be approved as presented. CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) PRIVATE & CONFIDENTIAL (Item 3)

3.1 Settlement of Expropriation Claims Arising from the Closure of Limeridge Road East at Upper Wentworth Street, Hamilton (LS08001) (Ward 7)

(That Committee move into Closed Session, at a.m., as the subject matter pertains to litigation or proposed litigation, including matters before administrative tribunals affecting the municipality or local board. CARRIED

CARRIED
That the Committee reconvene in Open Session at a.m.  

CARRIED

That sub-sections (b) and (c) be amended to delete the amount of $1,780,000 and replace it with $1,795,000 in lieu thereof.  

Amendment CARRIED

Staff advised that the additional funding of $15,000 is required to cover another month of interest and rental payments (to the end of March 2008) to McDonald's Restaurants of Canada Inc. Therefore, reference to $1,780,000 throughout the report should be $1,795,000.

That sub-section (c) be amended by deleting the words, “Manfred Rudolph Law Office, in Trust”, and replacing it with the words, “Legal Counsel, in Trust”, in lieu thereof.  

Amendment CARRIED

Motion as amended CARRIED

See Item 1 of this Report for recommendations, as amended.

(d) ADJOURNMENT (Item 4)

There being no further business, Committee of the Whole adjourned at a.m.  

CARRIED

Respectfully submitted,

Mayor F. Eisenberger  
Chair, Committee of the Whole

Carolyn Biggs  
Legislative Assistant,  
February 8, 2008