SUBJECT: Declaration of Surplus Property and Sale of Easement of City Lands on 6th Concession Road (Beverly Landfill) Described as Part 1 on Registered Plan 62R-17111 (PED06215) (Ward 14)

RECOMMENDATION:

(a) That the lands identified as part of the Beverly Landfill site at 6th Concession Road in the former Township of Beverly, and described as Part 1 on Plan 62R-17111 (as shown on Appendix B to Report PED06215), having an area of 56.00 square metres (602.79 square feet), be declared surplus to the requirements of the City of Hamilton; and that an easement be sold over these lands in accordance with the “Procedural By-law for the “Sale of Land”, being By-law 04-299.

(b) That the Easement Agreement to be executed by and granted in favour of Bell Canada for the easement over Part 1 on Plan 62R-17111 for the purpose of installing, repairing and maintaining underground Bell cables (as shown on Appendix A to Report PED06215) be approved and completed for the nominal consideration of One Dollar ($1.00), subject to payment of disbursement costs by Bell Canada in the amount of $1,500 and, that these fees be credited to Account no. 47702-3560150200 (Reserve for Land Sales).

(c) That an Authority to Enter Agreement to be executed by Bell Canada, to enter upon the Beverly Landfill site for the purpose of removing the existing bell cables, be approved.

(d) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.
EXECUTIVE SUMMARY:

The purpose of this report is to request City Council’s approval to declare the subject property surplus to the requirements of the City and to approve an easement to Bell Canada, together with an Authority to Enter Agreement for the purpose of removing existing Bell cable lines traversing over the landfill site.

BACKGROUND:

The subject property is identified as part of the closed Beverly Landfill site on 6th Concession Road in the former Township of Beverly. The lands are described as Part 1 on Plan 62R-17111, having an area of 56.00 square metres (602.79 square feet). The City’s Waste Management Division has been working with Bell Canada in having a potential safety hazard rectified, wherein a section of the Bell telephone wire is situated approximately 4 feet from ground level and traverses over a portion of the landfill site. Bell Canada has agreed to remove the overhead line from the existing poles in the landfill area, realign and bury the cable from the exiting utility pole located within Part 1 on Plan 62R-17111, southerly to 6th Concession Road.

Documentation has revealed that Hydro One has an unregistered easement evidenced by an Indenture between the Corporation of the Township of Beverly and the Hydro-Electric Power Commission dated April 22, 1948. The conveyance and rights of easement granted to the Hydro-Electric Power Commission allowed the installation of two poles with support wires, of which one utility pole is situated within Part 1, Plan 62R-17111. The proposed work anticipated by Bell is to branch off the existing hydro pole and bury the cable within the limits of the unregistered easement. In order to allow Bell to complete the works as proposed, an easement is required over the lands of the City as there is no evidence of an easement in favour of Bell Canada. Staff from Hydro One has confirmed that they have a “Joint Use” agreement with Bell Canada allowing them to use their equipment.

ANALYSIS/RATIONALE:

The City of Hamilton is working with Bell Canada in attempt to remove the potentially unsafe telephone line and to register the easement necessary to allow for the installing, repairing and maintaining the underground bell cables.

ALTERNATIVES FOR CONSIDERATION:

If the City of Hamilton did not comply with the sale of the easement to Bell Canada, the public utility would have to be removed; therefore, affecting the phone service in the area.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Given Bell Canada is to reimburse the City for the costs associated with the proposed transactions, this proposal is cost neutral.

Staffing: There are no identified financial implications arising out of the recommendation.

Legal: There are no identified financial implications arising out of the recommendation.

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, including easements.

RELEVANT CONSULTATION:

Staff from the Development and Real Estate Division of the Planning and Economic Development Department, and the Waste Management Section of the Public Works Department, were involved in the requirements of the sale of the easement. The Legal Services Division has reviewed and approved the format of the Offer documents.

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
Maintain telephone service.

Environmental Well-Being is enhanced. ☐ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☐ Yes ☐ No

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

:HM
Attachs. (2)