SUBJECT: To Incorporate Certain City Land into Various Streets by By-law (PW09090) - (Ward 8)

RECOMMENDATION:
(a) That the following City land be incorporated into the following streets:
   Waterberry Trail Parts 2 and 7 Ward 8
   Plan 62R-17393
   Parts 1, 2, and 3 Plan 62R-16864

(b) That the By-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council;

(c) That the General Manager, Public Works, be authorized and directed to register the By-laws.

EXECUTIVE SUMMARY:
These lands have been acquired at a nominal cost of $2.00 by the City of Hamilton for road purposes as part of the development process.
BACKGROUND:
The recommendations contained within this report primarily affect Ward 8.

In order to facilitate orderly development, the City has been acquiring lands through the subdivision dedication process or direct transfer. These lands are ultimately required to be a part of the public highway system.

To complete conditions of severance and to complete final street widths, 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>Waterberry Trail</td>
<td>Parts 2 and 7 Plan 62R-17393 PIN 16945-1597 and 16945-1599 Parts 1, 2, and 3 Plan 62R-16864 PIN 16945-1356</td>
<td>N/A</td>
<td>To Establish a Street</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:
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:
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.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
FINANCIAL: These lands have been acquired at nominal costs during the development process. Life Cycle costs associated with extensions of the road network are estimated at $7,279.34 (2008) per lane kilometre per annum operating, and $12,715.50 (2008) per lane kilometre per annum capital.

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

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

POLICIES AFFECTING PROPOSAL:
Public Works Business Plan, Innovate Now:

This report aligns with the Processes component of the Public Works Business Plan as this is a direct result of a coordinated process with Planning and Economic Development to ensure timely and coordinated access is given to newly developed lands.
This recommendation does not bind the corporation to any policy matter.

**RELEVANT CONSULTATION:**

In consultation with the Planning and Economic Development Department, Development Engineering Section, it has been determined that the development funding has been satisfied. As such this process should proceed to facilitate an orderly development pattern.

**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
  Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

- **Environmental Well-Being is enhanced.** ☑ Yes ☐ No
  A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

- **Economic Well-Being is enhanced.** ☑ Yes ☐ No
  Investment in Hamilton is enhanced and supported.
  A co-ordinated effective transportation network that allows access from all properties in accordance with development standards enhances the economic well-being of Hamilton.

**Does the option you are recommending create value across all three bottom lines?**

☑ Yes ☐ No

By following provincial guidelines and City-driven development guidelines we enhance the delivery of this public service.

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

☐ Yes ☑ No
CITY OF HAMILTON
BY-LAW NO. 09-
TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 2 AND 7 ON PLAN 62R-17393 AND PARTS 1, 2, AND 3 ON PLAN 62R-16864
INTO WATERBERRY TRAIL

WHEREAS the Council of the City of Hamilton is empowered under Section 31 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 Waterberry Trail 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 Waterberry Trail.

   Part of Lot 14 on Plan 823 in the City of Hamilton. Designated as Part 2 on Plan 62R-17393.

   Part of Lot 15 on Plan 823 in the City of Hamilton. Designated as Part 7 on Plan 62R-17393.

   Part of Lots 26 and 27 on Plan 823 in the City of Hamilton. Designated as Parts 1, 2, and 3 on Plan 62R-16864.

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 and ENACTED this day of , 2009

______________________________  ____________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                  City Clerk