SUBJECT: To Incorporate Certain City Land Into Various Streets by By-Law (PW07002f) - (Affects Ward 13)

RECOMMENDATION:

(a) That the following City land be incorporated into the following streets;
    Zeldin Place       Block 43
    Plan 62M-323       Ward 13

(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 of Public Works be authorized and directed to register the By-Laws.

EXECUTIVE SUMMARY:
City Council at its meeting of June 27, 2007, approved the Audit and Administration Committee Report 07-009. This Report approved the creation of a By-Law of the above noted lands to establish a public highway.

BACKGROUND:
The information/recommendations contained within this report primarily affect Ward 13.
The Town of Dundas acquired Block 43 in 1981 in anticipation of future development of the lands known as 564, 584 and 648 Governors Road. Block 43 was to become a public highway at the time of the development of the Governors Road properties. The development of 564, 584 and 648 Governors Road has not occurred.

The Town of Dundas made a condition of access through Block 43 to the Governors Road lands at a Council meeting June 6, 1983, that the owners of 564, 584 and 648 Governors Road enter into a year by year lease and maintenance agreement with the Town to access the properties through Block 43.

The lease agreements were never entered into and in 2005 a Land Surveyor was retained to deposit a plan and transfer right of ways over the properties to allow access north of Zeldin Place. The creation of Zeldin Place allows access to one property 584 Governors, 648 and 646 Governors Road need to acquire right of way access over 584 in order to access their lands. The owners of these properties have approached the City to have Block 43 dedicated as a public highway.

Creation of Zeldin Place will not allow access to addresses 566 or 640 Governors Road.

<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>Zeldin Place</td>
<td>Block 43 Plan 62M-323 PIN 17446-0832</td>
<td>N/A</td>
<td>To complete final street widths</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 have these owners access their lands from Governors Road.

**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 $6,018.19 per lane kilometre per annum operating, and $10,446.15 per lane kilometre per annum capital.

Estimated costs to upgrade this land from its current condition to an acceptable Municipal standard range from $60,000 to $100,000 dependant on the need to upgrade underground services.

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:
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. 07-
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 43 ON PLAN 62M-323
INTO ZELDIN PLACE

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 Zeldin Place 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 Zeldin Place.

   Block 43 on Plan 62M-323.

   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 , 2007.

_________________________________  ________________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                    City Clerk