To: Mayor and Members  
   Committee of the Whole  

From: Scott Stewart, C.E.T.  
      General Manager  
      Public Works Department  

Telephone: 905 546-2313  
Facsimile: 905 546-4481  
E-mail: sstewart@hamilton.ca  

Date: June 13, 2007  

Re: Incorporating By-Laws (City Wide) - (PW07096)  

Council Direction:  
N/A  

Information:  
In consultation with Legal Services, we have reviewed the Municipal Act with respect to this issue and found the following:  

Section 31(6) provides that “if a municipality **acquires** land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening.”  

This section allows us to stop creating Incorporating By-law Reports to Council when we can perform this function through a direct transfer from the City to the City. A “Road Widening Statement” will be added in a form acceptable to Legal Services and through the transfer process, we will assume the land into the road.  

This process is not circumventing Municipal By-Law reporting. The only By-laws we will stop creating will be for lands acquired abutting existing public highways. These lands are acquired through development processes, site plan agreements, severances, and other municipal land acquisition processes. These parcels are all adjacent to existing roads and are not creating new roads. The creation of the road has already received Council authorization.  

In the event we acquire lands for new roads such as Tradewind Drive, Dartnal Road Extension, the Lincoln M. Alexander Parkway, and the Red Hill Valley Parkway, we still must prepare a valid By-law and Report as per the Municipal Act.  

I expect we will reduce our reporting from eight reports per year (forty By-laws) to two reports covering six By-laws.
The costs will be the same to transfer the land as registering a By-law in the Land Registry System. Our ability to create the new transfers will not be dependant on Council Reporting cycles. We will stop sending routine reports to Council and save staff time in report preparation. Legal Services concur with this process.

Scott Stewart, C.E.T.
General Manager
Public Works Department