
RECOMMENDATION:

(a) That the lands identified as part of the Glanbrook Sanitary Landfill site at 1500 Haldibrook Road, Glanbrook, and described as Part 3 on Plan 62R-17168 (as shown on Appendix A to Report PED06029), having an area of .392 hectares (.9686 acres), 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, subject to payment of disbursements for legal and real estate services and costs related to changes to the Ministry of Environment’s Certificate of Approval incurred by the Waste Management Division.

(b) That the Easement Agreement to be executed by Hydro One Networks Inc. for the purchase of the easement over Part 3 on Plan 62R-17168 (as shown on Appendix B to Report PED06029), having an area of .392 hectares (.9686 acres), be approved and completed for the nominal consideration of One Dollar ($1.00) acknowledged as having been received by the City.

(c) That an existing easement over Part 2 on Plan 62R-17168, in favour of Hydro One Networks Inc., be released by the City of Hamilton contemporaneously and concurrently with the selling of an easement over Part 3 on Plan 62R-17168 to Hydro One Networks Inc.
(d) That the Mayor and the City Clerk be authorized and directed to execute all the necessary sale and release documents in a form satisfactory to the City Solicitor.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**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 the sale of an easement to Hydro One Networks Inc. The subject property is identified as part of the Glanbrook Sanitary Landfill site at 1500 Haldibrook Road, Glanbrook, and described as Part 3 on Plan 62R-17168, having an area of .392 hectares (.9686 acres). Pursuant with selling an easement to Hydro One Networks Inc., Hydro One Networks Inc. will contemporaneously release an existing easement over Part 2 on Plan 62R-17168, having an area of .392 hectares (.9686 acres). Hydro One Networks Inc. is responsible to pay for any and all costs that the City may incur in these two transactions.

The City Legal Services Division notes that its cost incurred in completing the recommendations of this report is $1,000. The Real Estate Section will forward an invoice for these costs to Hydro One Networks Inc. for reimbursement for these legal expenses. These funds are to be credited to Account No. 48300-356006 (Miscellaneous Revenues).

The Real Estate Section notes that its cost associated with the completion of the recommendations of this report is $2,000. Hydro One Networks Inc. will reimburse the City for these expenses at the time of the closing arrangements. These funds are to be credited to Account No. 47702-3560150200.

The City’s Waste Management Division is to submit an account to the Real Estate Section of all the costs incurred in completing a submission to the Ministry of the Environment (MOE) with respect to changes in the geographic area of the landfill in order to maintain the Certificate of Approval required operating the Sanitary Landfill Site. The Real Estate Section will forward an invoice for these costs to Hydro One Networks Inc. for reimbursement at the time of closing. These funds are to be credited to Account No. 41477-512780 (Hydro One).
BACKGROUND:

Prior to the former Regional Municipality of Hamilton-Wentworth acquiring the site of the Glanbrook Sanitary Landfill Site in 1979, the Hydro-Electric Power Commission of Ontario, and its successors, had an easement across the site for the purpose of a transmission corridor. This corridor is one of the main power corridors linking the Adam Beck Power generating plant in Niagara Falls to the Ontario power grid.

Recently, a representative from Hydro One Networks Inc. approached the Real Estate Section with a request to re-align their existing long term easement across the City’s Sanitary Landfill Site in Glanbrook. The existing easement consists of 2.7 hectares (6.67 acres) with dimensions of 898.30 x 30.48 metres (2,947.17 x 100 feet).

Hydro One Networks Inc. is upgrading its existing transmission facilities between Thorold and Caledonia. In order to complete this project, Hydro One Networks Inc. proposes to re-align the easement on these City lands approximately 4.4 metres (14.44 feet) to the north of the existing easement. Hydro One Networks Inc. will, subsequently, release approximately 4.4 metres (14.44 feet) on the south side of the existing easement. The net effect on these City lands is that the area of the easement will remain unchanged.

The road leading into the landfill site off Haldibrook Road borders the easement. Representatives from Hydro One Networks Inc. have confirmed to the Real Estate Section that the road access into the Landfill site will not be interrupted during the construction of the new towers or during the installation of the new 230 KV lines on the towers. Hydro One Network Inc. staff and contractors have established a dialogue with managers and staff at the landfill site to cooperate in the work plan in the vicinity of this roadway. This work plan will allow for the continuous use of the road.

ANALYSIS/RATIONALE:

The City of Hamilton is working with Hydro One Networks Inc. as a community partner to assist Hydro One Networks Inc. in meeting the increasing power demands of Hamilton and Ontario. All costs that the City incurs in this process are to be reimbursed by Hydro One Networks Inc. In re-aligning the easement by approximately 4.4 metres (14.44 feet) to the north and then releasing a parcel of equal size on the south side of the existing easement, the total size of the easement will remain unchanged.

ALTERNATIVES FOR CONSIDERATION:

If the City of Hamilton did not comply with this request from Hydro One Networks Inc. to realign the easement, Hydro One Networks Inc. would likely initiate an expropriation of the easement.
**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:**
Given that Hydro One Networks Inc. are to reimburse the City for the costs associated with the proposed transactions, this proposal is cost neutral.

**Staffing:**
There are minimal staffing implications.

**Legal:**
Part of the lands currently encumbered by an easement will be released, while an equal area to the north of the current easement will become encumbered by the easement.

**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.

Since this easement is on the site of a registered landfill facility, the MOE requires an updated site plan and a letter of explanation from the City’s Waste Management Division. The City is required to submit any changes in the geographic area of the landfill to the MOE in order to maintain the Certificate of Approval required to operate the Sanitary Landfill Site. City staff has contacted the Ministry of Environment, Approvals Branch, and the proposed easement is not expected to have any impact on the status of the Certificate of Approval.

**RELEVANT CONSULTATION:**

The Real Estate Section completed a circulation to a number of City Departments that may have interest in these transactions. None of the City Departments circulated objected to the sale of this easement and the contemporaneous release of part of the existing easement. But, since these lands form part of the Glanbrook Sanitary Landfill Site, the Real Estate Section specifically requested the support of Waste Management prior to taking these transactions to Council for approval. Therefore, the comments from Waste Management, Public Works, are highlighted as follows:

“we don’t have concerns with shifting of the easement as proposed as it is in a landfill buffer area, however, there still may be some additional steps required with respect to the Certificate of Approval as we are required to submit site plans to the MOE and to show the easement location. We would want Hydro to pay for any additional costs that may be incurred to keep the Certificate of Approval information updated.”
In response to these comments from Waste Management, the Real Estate Section has been assured by Hydro One Networks Inc. that all reasonable expenses that the City incurs in completing this transaction will be covered by Hydro One Networks Inc.

**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
  Partnerships are promoted.

- **Environmental Well-Being is enhanced.** ☑ Yes  ☐ No
  Consumption of all natural resources is reduced.

- **Economic Well-Being is enhanced.** ☑ Yes  ☐ No
  Investment in Hamilton is enhanced and supported.

**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

:SGB

Attachs. (2)