



**CITY OF HAMILTON**

**PUBLIC WORKS DEPARTMENT  
Engineering Services Division  
and  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Economic Development Division**

<b>TO:</b> Mayor and Members General Issues Committee	<b>WARD(S) AFFECTED:</b> WARD 1
<b>COMMITTEE DATE:</b> January 14, 2013	
<b>SUBJECT/REPORT NO:</b> Acquisition of Easement from McMaster University over Parts 5, 7 & 8, Plan 62R-18474 (PW13002 / PED13008) (Ward 1)	
<b>SUBMITTED BY:</b>  Gerry Davis, CMA General Manager Public Works Department  Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b>  Gary Moore (905) 546-2424 Ext. 2382  Darlene Cole (905) 546-2424 Ext. 7910
<b>SIGNATURE:</b>	

**RECOMMENDATIONS:**

- (a) That an Option to Purchase Agreement (Easement) executed by McMaster University over land described as Parts 5, 7 and 8, Plan 62R-18474, as identified on Appendix "A" attached to Report PW13002 / PED13008, be approved and completed and the purchase price of \$550,002 be funded from Account No. 59258-5160168111 (Ewen Road CSO Tank);

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Plan 62R-18474 (PW13002 / PED13008) (Ward 1) - Page 2 of 4**

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- (b) That as consideration, the amount of \$2 paid to the owner pursuant to the Option to Purchase Agreement, be deducted from the purchase price;
- (c) That costs incurred for Real Estate staff in the amount of \$10,000, be funded from Public Works Account No. 5160168111 and credited to Account No. 45408-3560150200 (Property Purchases and Sales);
- (d) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor and that any Legal Services administrative expenses or disbursements be charged to Account No. 5160168111 (Ewen Road CSO Tank).

**EXECUTIVE SUMMARY:**

The purpose of this Report is to request Committee and City Council's approval to the purchase of a permanent easement required for a Combined Sewer Overflow (CSO) tank located below grade on property held by McMaster University. This tank, now in operation, holds storm water / sewer waste until such time as City treatment facilities have sufficient capacity to treat same.

McMaster University provided the City the authority to enter, thereby allowing access to commence and complete construction in advance of formalizing this Easement Agreement.

**BACKGROUND:**

City Council on October 29, 2003, approved Item 21 of the Committee of Whole Report 03-029, authorizing the revision and amendments to the Ward 1 Combined Sewer Overflow Master Plan, including authorizing and directing the General Manager of Public Works to proceed with implementation of the preferred alternatives. This included the construction of the CSO tank on McMaster University property. Direction was subsequently provided to the Manager of Real Estate to proceed with acquisition of an easement in support of this project.

CSO tanks support the priorities of improving water quality and general quality of life. This tank is strategically located under the parking area of McMaster University to minimize overflows into Coldwater Creek, Spencer's Creek and ultimately Cootes Paradise and Hamilton Harbour. While construction went forward in 2009 – 2011, finalization of costs, refinement to the terms of the Easement Agreement, and change of personnel at McMaster University has delayed bringing this Agreement for approval.

Compensation for the easement, determined at \$550,002 includes \$2 nominal consideration for the land plus the cost of certain capital improvements, payable to McMaster University, including loss of parking revenue during construction, restoration

to the pavement of a parking lot, re-installation of a parking pay station, electrical poles, lighting and emergency pole, and engineering permits.

**Alternatives for Consideration – See Page 3**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**Financial:** Sufficient funds are available in Capital Project ID 5160168111 (Ewen Road CSO Tank).

**Staffing:** There are no identified staffing implications arising out of the recommendation(s).

**Legal:** Legal Services will be required to finalize the Easement Agreement and deal with the registration thereof.

**POLICY IMPLICATIONS:**

The recommendation is consistent with the City's Real Estate Portfolio Management Strategy Plan, as approved by City Council on November 24, 2004, and Procedural By-Law No. 04-299; however, Council approval is required for transactions in excess of \$250,000.

**RELEVANT CONSULTATION:**

- Public Works Department, Environment and Sustainable Infrastructure Division, Engineering Section
- City Managers Office, Legal Services Division

**ANALYSIS / RATIONALE FOR RECOMMENDATION:**

Approval of the recommendation(s) by Council will authorize disbursement of the compensation to McMaster University and direct Real Estate and Legal Services staff to proceed with formalizing this Easement Agreement.

**ALTERNATIVES FOR CONSIDERATION:**

The only alternative would be to out-right purchase the land and a right-of-way through McMaster lands. This would be more expensive, require access maintenance and care around the facility. The easement provides all the access required and no further above ground maintenance costs are incurred.

**CORPORATE STRATEGIC PLAN:**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,  
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,  
6. Environmental Stewardship, 7. Healthy Community

***Financial Sustainability***

- ◆ Commitment to investment of strategic infrastructure.

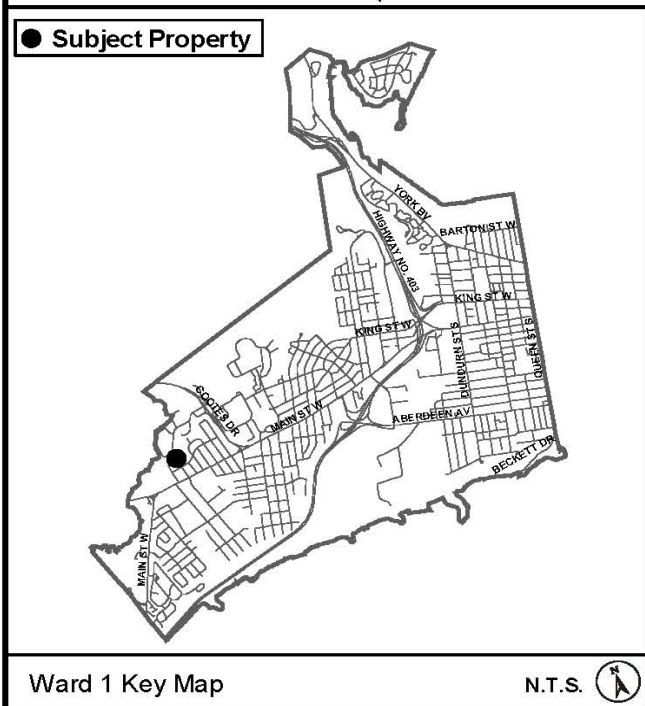
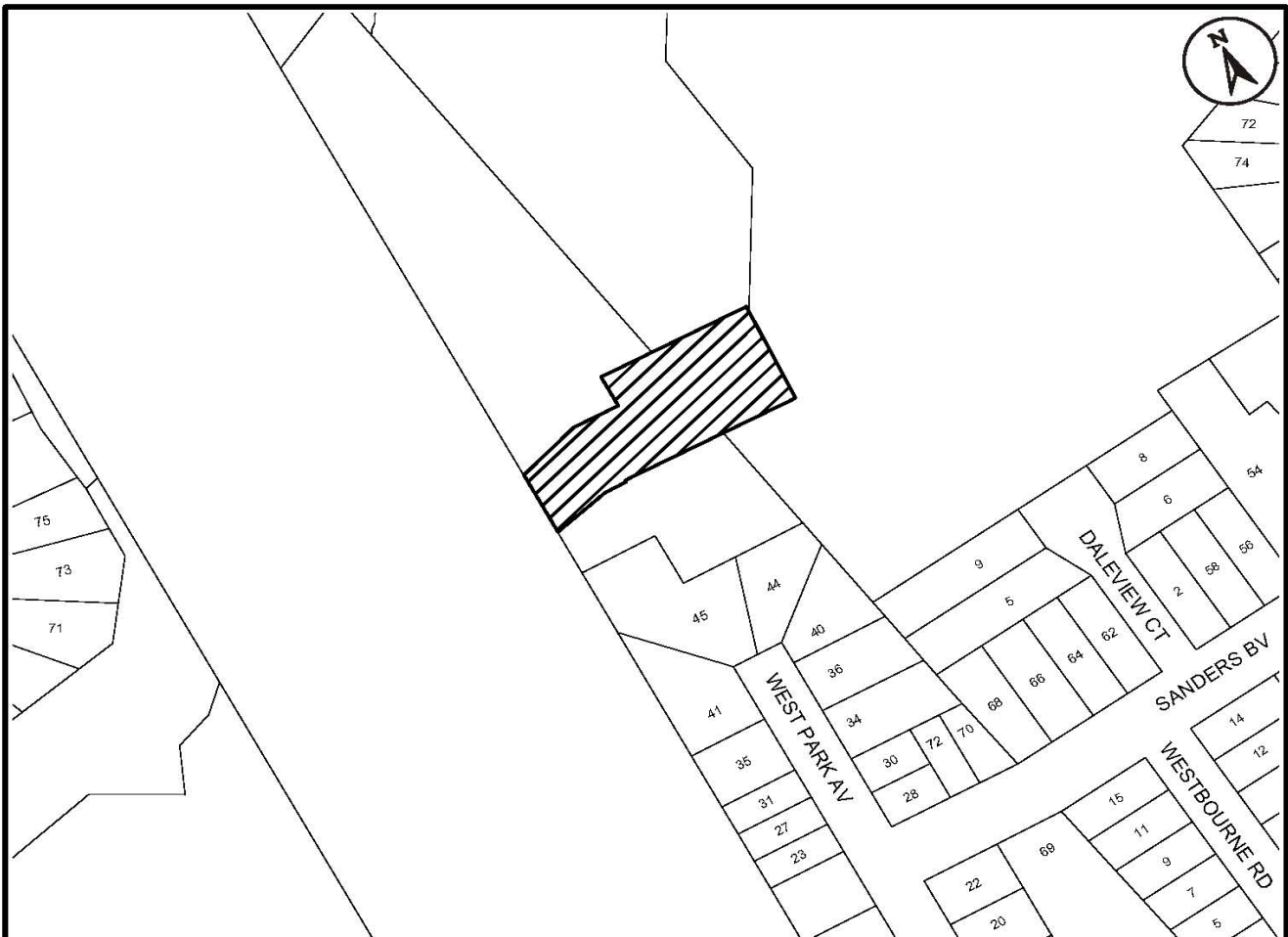
***Environmental Stewardship***

- ◆ Protection of human health and safety. The CSO tank will alleviate future flooding during major storm events.

**APPENDICES / SCHEDULES**

Appendix "A" to Report PW13002 / PED13008 - Location Map

DC/sd



## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
2007-076

**Date:**  
November 15, 2012

<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.	<b>Planner/Technician:</b> DC/AL
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**Subject Property**

CSO Facility, McMaster University  
Parts 5, 7 & 8, Plan 62R-18474

N.T.S.