



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 5, 2018
SUBJECT/REPORT NO:	New Cellular Ground Tower Lease at Pat Quinn Park, 1770 Main Street East, Hamilton (PED18178) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	John Hamilton (905) 546-2424 Ext. 7045
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

Discussion of Appendix "B" to Report PED18178 in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- ♦ A proposed or pending acquisition or disposition of land for City purposes;

RECOMMENDATION

- (a) That the lands designated as Part 2 on Draft Plan #1815-199-00, forming part of 1770 Main Street East, Pat Quinn Park, Hamilton, being Part of PIN 17266-0107 (LT) having an area of approximately 350 sq m as shown in Appendix "A" to Report PED18178, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law 14-204 for the purposes of a temporary easement;
- (b) That an Offer to Purchase (Easement) by Rogers Communications Inc., scheduled to close on or before September 1, 2018, for the temporary easement of land described in Recommendation (a) to Report PED18178, be approved and completed at the price of \$2 (excluding HST);
- (c) That a Lease with Rogers Communications Inc., over the land described as Part 1, Draft Plan #1815-199-00 to erect a 30 m high cell tower, a flagpole capable of co-sharing with another carrier, substantially based on terms and conditions attached as Appendix "B" to Report PED18178, and any other terms and conditions deemed appropriate to the General Manager, Planning and Economic Development Department, be approved;

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- (d) That a Right-of-Way for Rogers Communications Inc. over the land described as Part 2, Draft Plan #1815-199-00 to provide vehicular access to the tower compound area be approved;
- (e) That the Lease proceeds be credited to Account No. 48300-3301609604;
- (f) That any costs related to the Lease, including Real Estate and Legal Fees (\$7,700) be funded from Account No. 48300-3301609610 and credited to Account No. 45408-812036;
- (g) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as landlord, be authorized to provide any consents, approvals and notices related to the Licence Agreement outlined herein;
- (h) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City Solicitor;
- (i) That Appendix "B" to Report PED18178, respecting the ground tower lease of part of 1770 Main Street East, Pat Quinn Park remain confidential until completion of the real estate transaction.

EXECUTIVE SUMMARY

Rogers Communications Inc. proposes to erect a new, 30 m cell tower within a compound located at the rear of the Pat Quinn Park Arena, west of the tennis courts and away from residential uses (see Appendix "A" to Report PED18178). The proposed tower will be designed for co-sharing, thereby reducing the need for additional cell towers in this vicinity. The compound area will be enclosed with a cedar fence and landscaped for aesthetic reasons to help prevent vandalism. Rogers Communication Inc. is seeking a long-term lease commitment for a tower compound site together with an associated right-of-way to access the site and a temporary easement for infrastructure to facilitate this communication tower.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The cell tower will provide a new long-term source of revenue, escalating annually, to the community. The net Lease proceeds will be credited to Account No. 48300-3301609604.

The sale price of \$2 for the temporary easement does not include the HST; if applicable the HST will be credited to Account No. 22828-009000 (HST Payable).

Staffing: N/A

Legal: Legal Services Division will be involved in the development of the Lease Agreement through to its completion.

HISTORICAL BACKGROUND

The Telecommunications Tower and Antenna Protocol approved by Council guides the design and siting of new telecommunications facilities within the City of Hamilton. Included in the protocol are special instructions for cell towers on City-owned property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This recommendation is consistent with the City's Real Estate Portfolio Management Strategy Plan as approved by City Council on November 24, 2004 and the Procedural By-law for the Sale of Land, By-law No. 14-204.

RELEVANT CONSULTATION

- Legal Services Division, City Manager's Office;
- Parks and Cemeteries Division, Public Works Department; and,
- Councillor Merulla.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Rogers Communications Inc. wishes to erect a new, 30 m cell tower together with an equipment compound within the area defined as Part 1 on Draft Plan #1815-199-00, attached as Appendix "A" to Report PED18178. The proposed flagpole style of tower will improve cellular service within the neighbourhood and it is designed for co-sharing, thereby reducing the need for additional cell towers in this vicinity. The compound area will be enclosed with a cedar fence and landscaped for aesthetic reasons to help prevent vandalism.

Rogers Communications Inc. is requesting a long-term lease commitment on Part 1, together with an associated right-of-way over Part 2, Draft Plan #1815-199-00 with a temporary easement over Part 2, Draft Plan #1815-199-00 to facilitate this communication tower. The compound is located at the rear of the Pat Quinn Park Arena, west of the tennis courts and away from residential uses.

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By adopting the recommendation(s), the City will have secured a long-term revenue source. Revenues earned will escalate annually at 3% and will remain within the Ward for use locally within the neighbourhood. Any other telecoms co-locating on the tower will increase revenues by 40%.

The Lease will allow Rogers Communications Inc. to provide improved coverage in a developing Hamilton area and, more importantly, it will enable them to handle the increased demand it has experienced since the advent of smartphones.

Real Estate staff considers the terms and conditions of the agreement to be fair, reasonable and at market value. The Ward Councillor is aware of the pending transaction.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A"–Location Map

Appendix "B"–Terms and Conditions Sheet

JH:sd