



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 Water Tower Licence at Binbrook Park, 3262 Binbrook Road, Hamilton (PED18177) (Ward 11)
WARD(S) AFFECTED:	Ward 11
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 PED18177 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 of Parts 1, 2 and 3, on Plan 62R-16049, forming part of 3262 Binbrook Road, Binbrook Park, Hamilton, being Part of PIN 17384-0650 (LT) having an area of approximately 60 sq m as shown in Appendix "A" to Report PED18177, 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 October 1, 2018, for the temporary easement of land described in Recommendation (a) to Report PED18177, be approved and completed at the price of \$2 (excluding HST);
- (c) That a Licence with Rogers Communications Inc. over the land described as Part of Part 1, on Plan 62R-16049, substantially based on terms and conditions attached as Appendix "B" to Report PED18177, and any other terms and conditions deemed appropriate to the General Manager, Planning and Economic Development Department, be approved;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: New Cellular Ground Tower Licence at Binbrook Park, 3262 Binbrook Road, Hamilton (PED18177) (Ward 11) - Page 2 of 5

- (d) That a right-of-way for Rogers Communications Inc. over the land described as Part of Parts 1, 2 and 3, on Plan 62R-16049 to provide vehicular access to the tower compound area be approved;
- (e) That the license proceeds be credited to Account No. 48300-3301609611;
- (f) That any costs related to the license, including real estate and legal fees (\$7,700) be funded from Account No. 48300-3301609611 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 License 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 PED18177, respecting the cellular licence of part of 3262 Binbrook Road, Binbrook Park remain confidential until completion of the real estate transaction.

EXECUTIVE SUMMARY

Rogers Communications Inc. proposes to install a new cellular antennae atop the Binbrook Water Tower together with an equipment compound within the 60 sq. m area defined as Part 1 on Plan 62R-16049, attached as Appendix “A” to Report PED18177. The proposed installation will discretely improve cellular service for Rogers customers in the Binbrook area, without the need for an additional cell tower in the community. The ground level compound area will be enclosed with a cedar fence and landscaped for aesthetic reasons to help prevent vandalism.

Rogers Communication Inc. is requesting a long-term license commitment plus a temporary utility easement to facilitate this communication facility. The compound is located at the rear of the Binbrook Water Tower and adjacent to the City’s communication compound, west of the park area and away from residential uses.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Licence Agreement will provide a new long-term source of revenue, escalating annually, to the community. The net license proceeds will be credited to Account No. 48300-3301609611.

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 License 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 the use of water towers on City-owned property. Currently Public Works Water and the Police/EMS have communication antennae on the top of the water tower. Rogers installation will not negatively affect their use in any way.

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 Brenda Johnson.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Due to the rapid population growth in Binbrook, Roger Communications Inc. needs to improve broadband service in the area. The use of the water tower for this purpose is a discrete means to reduce the need for another cellular ground tower in Binbrook.

Rogers Communications Inc. will install antennae on top of the water tower and have a small, fenced compound at grade for its monitoring equipment. The compound will twin and resemble the City's existing compound area. Fibre and hydro will be brought in from Binbrook Road to the tower within an easement area still to be defined.

Rogers Communications Inc. is requesting a long-term license commitment on Part 1, Plan 62R-16049 together with an associated right-of-way and temporary easement over

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: New Cellular Ground Tower Licence at Binbrook Park, 3262 Binbrook Road, Hamilton (PED18177) (Ward 11) - Page 4 of 5

Parts 1, 2 and 3, Plan 62R-16049 to facilitate this communication use. When finished, the antenna and compound will be largely unseen, at the rear of the water tower.

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.

The Licence 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.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A"–Location Map

Appendix "B"–Terms and Conditions Sheet

JH:dt

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.