

CITY OF HAMILTON

**PUBLIC WORKS DEPARTMENT
Pan Am Initiatives Office**

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 3
COMMITTEE DATE: July 9, 2012	
SUBJECT/REPORT NO: Pan Am Stadium Land Use Agreement (PW12055) (Ward 3)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Coralee Secore (905) 546-2424, Extension 5557
SIGNATURE:	

RECOMMENDATION

- (a) That the General Manager of Public Works be authorized and directed to negotiate with Hamilton Wentworth District School Board and finalize a Land Use Agreement and any other auxiliary agreements respecting the acquisition of 0.92 acres of land situated at the north east corner of Melrose Ave. N. and Cannon St. E. by the City for the purpose of constructing the Pan Am Stadium and Parking Facility in a form satisfactory to the City Solicitor;
- (b) That the area of the lands to be leased to the Hamilton Wentworth District School Board for parking purposes within the Pan Am precinct be declared surplus in accordance with the Procedural By-law for the Sale of Land, being By-law 04-299;
- (c) That the Mayor and City Clerk, and appropriate City staff, as the case may be, be authorized and directed to sign the Land Use Agreement and any other documentation between the City and the Hamilton Wentworth District School Board required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12055.

EXECUTIVE SUMMARY

This Report seeks Council's permission to enter into negotiations with the Hamilton Wentworth School Board (HWDSB) with the intention of entering into a Land Use Agreement under section 183 of The Education Act, R.S.O. 1990 c.E.3 and any other

**SUBJECT: Pan Am Stadium Land Use Agreement
(PW12055) - (Ward 3) - Page 2 of 4**

auxiliary agreements for the purposes of conveying 0.92 acres of land situated at the north east corner of Melrose Avenue North and Cannon Street East identified in Appendix A, Stadium Block (Part 3) to Report PW12055 to the City for the purpose of constructing the Pan Am Stadium and Parking Facility.

The City of Hamilton requires ownership, access, use and/or control of the HWDSB Lands located in the Stadium Block (Part 3) to construct the new Pan Am Stadium.

Currently the 0.92 acres located within the Stadium Block (Part 3) is the required parking facility for the Prince of Wales School. Given that the school required parking, the HWDSB cannot deem the land to be surplus. Any changes by HWDSB must be in compliance with the various provisions under s183 of The Education Act R.S.O. 1990 c.E.3 and will require Ministry approval.

The general principles that will serve as the basis for negotiations for the Land Use Agreement and any other auxiliary agreements between the HWDSB and City are as follows:

The HWDSB shall:

- Convey the 0.92 acres HWDSB lands contained within the Stadium Block (Part 3) to the City for the purposes of constructing the Pan Am Stadium and Parking Facility.
- Ensure they are compliant with the various provisions under s183 of The Education Act R.S.O. 1990 c.E.3.
- Receive Ministry approval.

The City of Hamilton shall:

- Provide a parking facility on the stadium block by way of license or lease agreement to the HWDSB in perpetuity.
- Provide temporary parking during the construction phase of the Pan Am Stadium within the Scott Park Precinct Block (Part 3) as identified in Appendix B to Report PW12055.
- Pay all related operating costs for both temporary and permanent parking facilities.
- Pay all costs related to implementing the Agreement(s).

Staff also request that the General Manager of Public Works be authorized and directed to negotiate and finalize the Land Use Agreement and any other auxiliary agreements with the HWDSB in order to meet the closure of the RFP process September 26, 2012.

Alternatives for Consideration - See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS
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Financial: The HWDSB shall convey the HWDSB Lands to the City of Hamilton for \$2.00 in return; the City of Hamilton will be responsible for all costs and expenses related to the preparation of all agreements.

Staffing: There are no staffing implications associated with the recommendations of the Report.

**SUBJECT: Pan Am Stadium Land Use Agreement
(PW12055) - (Ward 3) - Page 3 of 4**

Legal: Legal Services Division will be involved in the development of the Land Use Agreement and any other auxiliary agreements through to completion.

HISTORICAL BACKGROUND

City Council, at its meeting held on January 24, 2011, received Report CM09006(I) that approved the selection of Ivor Wynne Stadium as the site for the new Pan Am Stadium.

In this Report, it referenced that within the Ivor Wynne Block, the north-east corner of Melrose and Cannon is a parking lot owned by the Hamilton Wentworth District School Board (HWDSB). The parking at this location is the required parking for the Prince of Wales school located on the west side of Melrose Ave. N. The proposed stadium design would have the new west stands encroaching on to the HWDSB lands.

On June 11, 2011, the City forwarded a letter to HWDSB requesting discussion and negotiations commence. There have been ongoing meetings held between City and Board staff since that date.

POLICY IMPLICATIONS

The recommendation in Report PW12055 is consistent with “Procedural By-law for the Sale of Land”, By-law No. 04-299. By-law No. 04-299 and in accordance with Item 21 of Report 01-029 of the Committee of the Whole, approved by City Council on September 18, 2001, as amended, approving the Consolidation of Routine Real Estate Matters notes that City Council must approve any lease or license agreement over a five (5) year term.

RELEVANT CONSULTATION

In preparation for Report PW12055 the Land Use Agreement and any other auxiliary agreements, consultation and assistance is being provided by:

- Hamilton Wentworth District School Board
- City Manager’s Office, Legal Services
- City Manager’s Office, Neighbourhood Development
- Planning and Economic Development Economic Development and Real Estate
- Corporate Services, Risk Management
- Community Services, Recreation

ANALYSIS / RATIONALE FOR RECOMMENDATION

The City of Hamilton requires ownership, access, use and/or control of the Hamilton Wentworth District School Board lands located in the Stadium Block (Part 3) identified in Appendix A of this Report to construct the new Pan Am Stadium.

ALTERNATIVES FOR CONSIDERATION

There are no alternatives right now as the City of Hamilton requires ownership, access, use and/or control immediately to construct the Stadium. There is a potential for a land exchange south of Cannon however this may be premature until the Stadium Precinct Community work is completed and there is a plan for the area. Currently it would involve the removal of active sports fields and the need for the City to construct a parking facility to continue to keep the Board whole.

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

Skilled, Innovative & Respectful Organization

- ◆ A culture of excellence

Financial Sustainability

- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies

Growing Our Economy

- ◆ A visitor and convention destination

Environmental Stewardship

- ◆ Reduced impact of City activities on the environment
- ◆ Aspiring to the highest environmental standards

Healthy Community

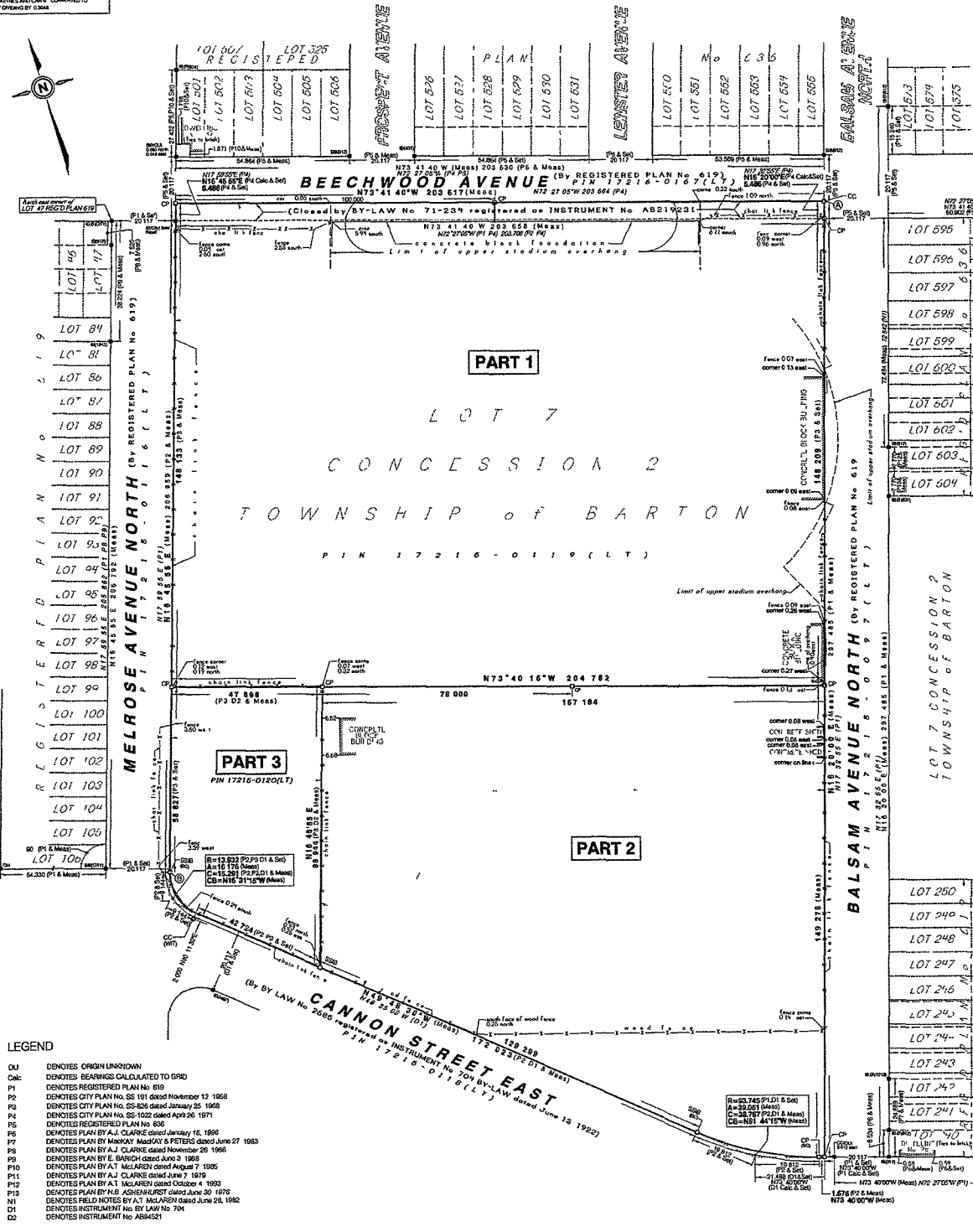
- ◆ Plan and manage the built environment

APPENDICES / SCHEDULES

Appendix A: Stadium Block Reference Plan identifying Part 3 as HWDSB Lands required by the City to construct the Pan Am Stadium.

Appendix B: Scott Park Precinct Block Reference Plan identifying Part 3 as the temporary parking facility for the HWDSB during the construction of the Pan Am Stadium.

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND DIMENSIONS REFERRED TO KEY FIGURES BY CODE.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
PLAN 62R-19/23
 RECEIVED AND DEPOSITED
 DATE: AUGUST 30 2011 DATE: SEPTEMBER 1, 2011
 DAVID A. LAMONT O.L.S. SENIOR PROJECT MANAGER SURVEYS
 DAVID A. LAMONT O.L.S. LAND SURVEYOR FOR THE LAND TITLES DIVISION OF WENTWORTH (162)

APPENDIX A
PW12055

SCHEDULE

PART	PART OF LOT/ROAD	AREA	TRANSFEREE
1	LOT 7 CON 2 BARTON	3176m ²	CITY OF HAMILTON
2	LOT 7 CON 2 BARTON	3780m ²	CITY OF HAMILTON
3	LOT 7 CON 2 BARTON	3718m ²	THE HAMILTON WENTWORTH DISTRICT SCHOOL BOARD

PLAN OF SURVEY OF
PART OF LOT 7 CONCESSION 2
 IN THE GEOGRAPHIC TOWNSHIP OF BARTON AND
PART OF BEECHWOOD AVENUE
REGISTERED PLAN No 619
 (CLOSED BY BY-LAW No 71 234 REGISTERED AS INSTRUMENT No AB219231)
 IN THE CITY OF HAMILTON
 SCALE = 1 600
 DAVID A. LAMONT ONTARIO LAND SURVEYOR

BEARING AND COORDINATE NOTE

- BEARINGS ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM NAD83 (CANADA) COORDINATE SYSTEM, ZONE 17 CENTRAL MERIDIAN 81 WEST LONGITUDE.
- DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.999995.
- COORDINATES ON THIS PLAN ARE UTM NAD83 (CANADA) COORDINATE SYSTEM, ZONE 17 CENTRAL MERIDIAN 81 WEST LONGITUDE AND ARE BASED ON GPS OBSERVATION DERIVED FROM THE FOLLOWING MONUMENTS

Reference Point	Northing	Easting
025520046	4789787.407	554111.103
025520049	4789370.703	584830.874
A	4789575.282	585065.122
E	4789420.980	584830.890

THESE COORDINATE VALUES COMPLY WITH SECTION 110 (1) OF REG 216/03 THESE COORDINATES CHANGE IN THIS CASE BE USED TO RE-ESTABLISH THE CORNER OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JULY 2011

AUGUST 22 2011
 DATE
 David A. Lamont
 DAVID A. LAMONT O.L.S.

City of HAMILTON
 Surveys and Technical Services

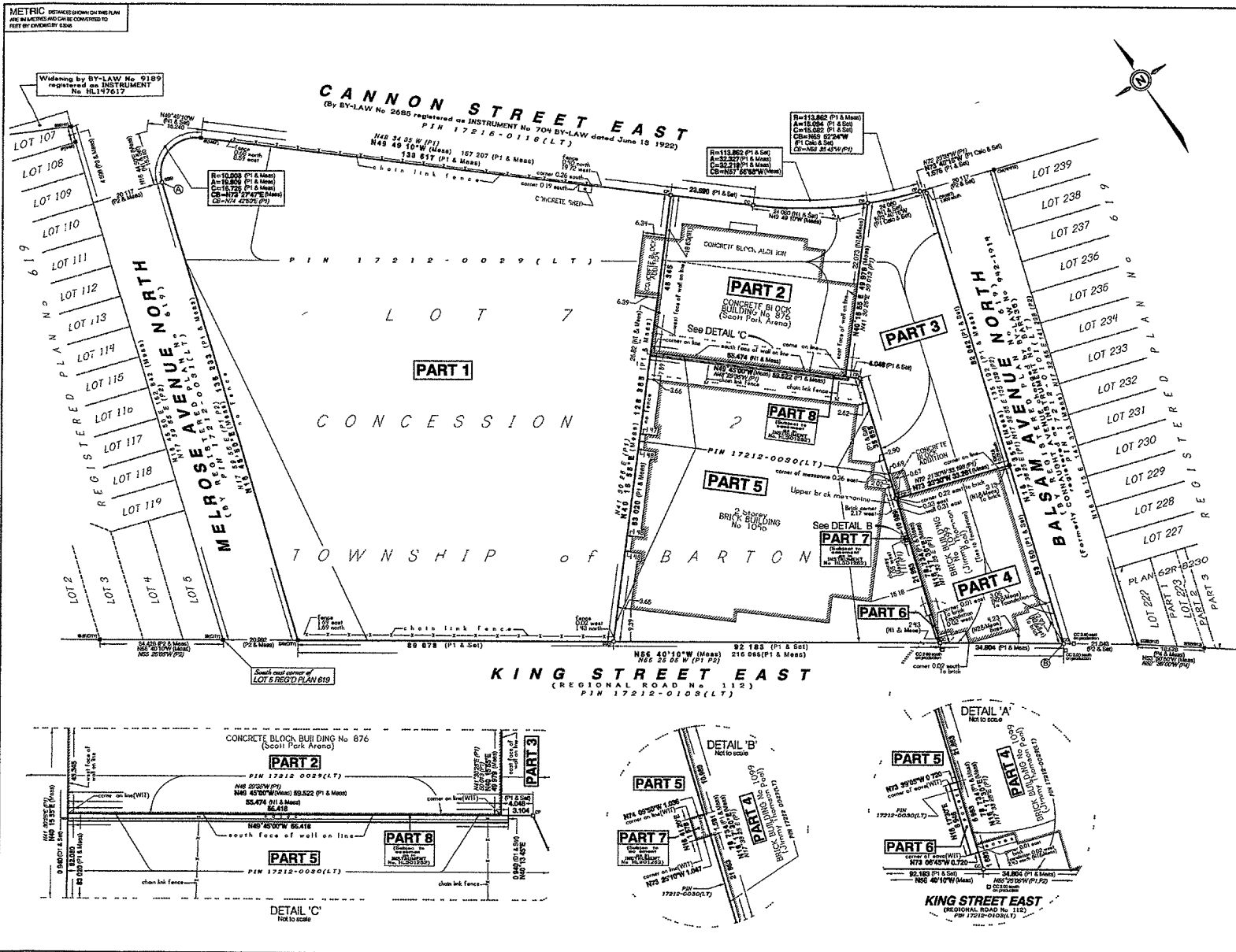
FIELD BOOK: RC-H-730 FILE NO: 170000017000170001 DATE: 2011-08-22
 SURVEYED BY: D.A.L. CHECKED BY: D.A.L. O.L.S.
 DAVID A. LAMONT O.L.S. MANAGER

PLAN No RC-H-730 SURVEYS

- LEGEND**
- OU DENOTES ORIGIN UNKNOWN
 - Cal DENOTES BEARINGS CALCULATED TO GRID
 - P1 DENOTES REGISTERED PLAN No. 619
 - P2 DENOTES CITY PLAN No. SS-181 dated November 12 1958
 - P3 DENOTES CITY PLAN No. SS-626 dated January 25 1968
 - P4 DENOTES CITY PLAN No. SS-1022 dated April 26 1971
 - P5 DENOTES REGISTERED PLAN No. 639
 - P6 DENOTES PLAN BY A.J. CLARKE dated January 16 1899
 - P7 DENOTES PLAN BY MARGARY MACKAY & PETERS dated June 27 1963
 - P8 DENOTES PLAN BY A.J. CLARKE dated November 29 1966
 - P9 DENOTES PLAN BY E. BARICH dated June 3 1963
 - P10 DENOTES PLAN BY A.J. CLARKE dated August 7 1965
 - P11 DENOTES PLAN BY A.J. CLARKE dated June 7 1979
 - P12 DENOTES PLAN BY A.J. CLARKE dated October 4 1992
 - P13 DENOTES PLAN BY H.E. AGNEW/ROST dated June 30 1978
 - N1 DENOTES FIELD NOTES BY A.J. CLARKE dated June 28 1892
 - D1 DENOTES INSTRUMENT No. BY LAW No 704
 - D2 DENOTES INSTRUMENT No. AB219231

APPENDIX B PW12055

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN MILLIMETRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 304.8



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 62R-19135
RECEIVED AND DEPOSITED

DATE: SEPTEMBER 14 2011
DATE: 2011 09 16

David A. Lamont
DAVID A. LAMONT O.L.S.
SENIOR PROJECT MANAGER SURVEYS

E. H. MacKay
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (62)

SCHEDULE				
PART	LOT	CONCESSION	AREA	TRANSFEREE
1			1566m ²	
2			2586m ²	
3			2481m ²	CITY OF HAMILTON
4	PART OF LOT 7		1601m ²	
5			6891m ²	
6			2m ²	OMAHA INTERNATIONAL RELATIONSHIP INSTITUTE LTD
7			2m ²	
8			2m ²	

PARTS 7 & 8 SUBJECT TO AN EASEMENT AS IN INSTRUMENT NO. H.301252

PLAN OF SURVEY OF
**PART OF LOT 7
CONCESSION 2**
IN THE
GEOGRAPHIC TOWNSHIP OF BARTON
IN THE
CITY OF HAMILTON
SCALE = 1:500

DAVID A. LAMONT ONTARIO LAND SURVEYOR

BEARING AND COORDINATE NOTE

1. BEARINGS AND GRID DISTANCES ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM NAD83 (Geographic COORDINATE SYSTEM ZONE 17 CENTRAL) MEASUREMENT SYSTEM.

2. DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.9997523.

3. COORDINATES ON THIS PLAN ARE UTM NAD83 (Geographic COORDINATE SYSTEM ZONE 17 CENTRAL) MEASUREMENT SYSTEM WEST LONGITUDE AND ARE BASED ON GPS OBSERVATION DERIVED FROM THE FOLLOWING MONUMENTS:

Reference Points	Northing	Easting
CGS69004B	4782701.417	654711.113
CGS69004D	4786310.735	654880.824
A	4785284.911	654255.117
B	4786135.899	654665.312

THESE COORDINATE VALUES COMPLY WITH SECTION 14(2) OF REG 219/01. THESE COORDINATE VALUES, BY THEMSELVES, ARE NOT TO BE USED TO ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND

OU - DENOTES ORIGIN UNKNOWN
Cdn - DENOTES BEARINGS CALCULATED TO GRID
P1 - DENOTES PLAN BY MacKay MacKay & PETERS dated July 31 1963 (M-1564)
P2 - DENOTES REGISTERED PLAN No. 616
P3 - DENOTES CITY PLAN No. RAH-610 dated February 22, 1960
P4 - DENOTES PLAN No. 69H-820
M1 - DENOTES FIELD NOTES BY MacKay MacKay & PETERS FOR M-1634 dated JULY 1963
M2 - DENOTES FIELD NOTES BY CITY OF HAMILTON dated DECEMBER 1974
N1 - DENOTES INSTRUMENT No. H.301252

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JULY 2011

SEPTEMBER 14 2011
DATE

David A. Lamont
DAVID A. LAMONT O.L.S.

CITY OF HAMILTON
Surveys and Technical Services

FILE BOOK 85-4 FILE NO. 1700000150000002011 DATE 2011-09-16
SURVEYED BY: RSP CHECKED BY: D.A.L. O.L.S.

David A. Lamont
SENIOR PROJECT MANAGER

PLAN No RC-H-731 SURVEYS