



CITY OF HAMILTON

**PUBLIC WORKS DEPARTMENT
Operations Division**

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARD 10
COMMITTEE DATE: April 8, 2013	
SUBJECT/REPORT NO: Access to the Landford Outlet, City of Hamilton (PW13029) - (Ward 10)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Wayne Song (905) 546-2424, Extension 2927
SIGNATURE:	

RECOMMENDATION

- (a) That the Mayor and City Clerk be authorized and directed to execute any necessary documents including transfers or agreements with The Ministry of Transportation (MTO) to acquire the lands known as a 0.3m (1 ft.) reserve on North Service Road in the Township of Saltfleet, City of Hamilton and identified on the attached Plan 62M-596 as part of Blocks 19, 20 and 21 in a form satisfactory to the City Solicitor;
- (b) That any costs for Legal Services and/or other administrative services be expensed to Account Number 52425-427500;
- (c) That all operating costs related to the maintenance of this land be absorbed in the current Roads & Maintenance section operating budget.

EXECUTIVE SUMMARY

The City of Hamilton is responsible for the maintenance of the storm water outfall known as the Landford Outfall located just north of the North Service Road and south of the Newport Marina. The outfall is located on City lands; however, the Ministry owns a .3m (1 ft.) wide reserve between the North Service Road and the City's easement to the outfall. The transfer of the reserve lands from the MTO to the City of Hamilton will

eliminate issues in obtaining access to the adjoining easement and will facilitate regular and emergency maintenance concerns at the outfall.

Alternatives for Consideration - Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: There is no direct cost to the City of Hamilton, as the MTO will accept transfer of the reserve without compensation. Costs to maintain the storm water outfall are included in the current operating budget of the Roads & Maintenance section.

Staffing: Staff will take the necessary steps to complete the transfer. No additional FTE are required.

Legal: Legal Services will be required to assist in the preparation of the documents required to complete the recommendation set out herein.

HISTORICAL BACKGROUND

The City of Hamilton is responsible for the maintenance of a storm water outfall known as the "Landford Outfall" located between the North Service Road and the Bayview Harbour Marina. The City of Hamilton has an easement to the outfall; however, the Ministry of Transportation has a reserve of land between the roadway and the City's easement. As maintenance is required at the outfall, City staff must obtain a Permission to Enter (PTE) letter from the Ministry of Transportation in order to gain access to the City's easement. The entire reserve is a 0.3 meter (1 foot) wide strip of land that is approx. 670 meters long and is identified in Appendix A as part of Blocks 19, 20 & 21 of Plan 62M-596.

In consultation with the MTO it was agreed that transfer of the reserve land would facilitate immediate access to the City's easement and advised that a resolution of Council is all that would be required to initiate the transfer.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

There are no policy implications/legislated requirements.

RELEVANT CONSULTATION

Legal Counsel for the City of Hamilton has reviewed this matter and concurs with the recommendation.

Consultation on land transfer issues were undertaken with the Ministry of Transportation.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Transfer of ownership of the subject lands from the MTO to the City of Hamilton will provide immediate access to its easement and facilitate maintenance activities at the storm water outlet.

ALTERNATIVES FOR CONSIDERATION

Not Applicable.

ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN

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

- 2.3 Enhance customer service satisfaction.
- 2.4 To facilitate maintenance operations of the new marina storm water outlet within the Harbour of Bayview Estates.

APPENDICES / SCHEDULES

Appendix A - Plan 62M-596

