



## Legislation Text

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TAMRMS#: B06

### **Range Road 260 - Funding for OSL Sanitary Project 8 Easements**

Presented by: Dawny George, Director, Engineering Services

#### **RECOMMENDATION(S)**

1. That the CAO be authorized to enter into temporary working easements and utility rights of way intended to remain on title in perpetuity, in support of Off-Site Levy Sanitary Project 8 described as North Interceptor Trunk Phase 2B
2. That up to \$50,000.00 be authorized to be drawn from the City's Off-Site Levy Recovery Fund reserve to obtain the working easements and utility rights of ways

#### **PURPOSE OF REPORT**

This report summarizes the rationale for obtaining necessary land interests as part of the design process for Off-Site Levy Sanitary Project 8- North Interceptor Trunk Phase 2B (Sanitary Project 8) and identifies an appropriate funding source.

#### **ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN**

Strategic Priority #4: Infrastructure Investment: Identify and build needed capital assets and identify feasible strategies for near term development horizons for community facilities inclusive of land, financing and partnership opportunities.

#### **ALIGNMENT TO LEVELS OF SERVICE DELIVERY**

N/A

#### **ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION**

On March 23, 2020, Council passed the following motion:  
(AR-20-102, Capital Projects 2020)

*That Administration prioritize accelerating the process of pre design and design for servicing the Range Road 260 lands that Council has approved as the site of a community recreation facility, and that Administration present for Councils consideration on April 6 or as soon as possible thereafter any additional or ancillary approvals needed to advance that initiative, including a borrowing bylaw, if needed, and a project charter.*

On April 6, 2020, Council passed the following motion:  
(AR-20-140, Range Road 260)

*That Administration continue discussions related to Council Motion AR-19-491, including off-site servicing solutions with Rohit and provide recommendations based on outcomes for Council's consideration on May 25, 2020.*

## **BACKGROUND AND DISCUSSION**

The City's Utility Master Plan shows a 1200 mm sanitary sewer trunk line, known as Sanitary Project 8, crossing private property north of the CN railway right of way.

This sanitary trunk is intended to act as a major conveyance and storage system which will service growth areas in the west and northwest portions of the City. One of the areas that will be serviced from Sanitary Project 8 is the Range Road 260 Area Structure Plan. In January 2020, Council directed Administration to proceed with acquiring the lands necessary for a community amenities site within the Range Road 260 Area Structure Plan.

Administration has also been tasked with completing the design work for providing servicing to the community amenities site. With the Covid-19 pandemic shutdown and accompanying economic downturn, it is anticipated that the senior levels of government may introduce a form of economic stimulus funding for shovel-ready infrastructure projects. The City is hoping to qualify for some of that funding by advancing the design of this project in collaboration with Range Road 260 developers.

Typically, the City would not be securing its land rights in this situation by way of a utility right of way, as the lands required to accommodate large-scale utilities such as Sanitary Project 8 would be dedicated to the City as a public utility lot during the normal process of subdivision. However, there is no time to wait for a traditional planning process to play out, if we want to obtain a shovel ready project as soon as possible in order to enhance our chances of qualifying for stimulus funding from either the Provincial or the Federal government. Administration is therefore recommending Council approval to proceed with acquisition of utility rights of way and temporary working easements immediately.

One consequence of moving in this expedited fashion is that the City may need to pay compensation to the owners of affected lands, for the rights required both for temporary construction activities and for protection in perpetuity of access to the utility infrastructure. Based on discussion with the affected landowners, Administration believes that the sum of \$50,000 will suffice to secure the legal rights needed to proceed with making this project shovel-ready as soon as possible.

Administration recommends that the source of funding for this acquisition of land rights should be the Off-Site Levy Recovery Fund reserve, since Sanitary Project 8 will be an off-site levy project.

## **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

Administration has been engaging affected property owners in discussions to explain the project and negotiate land interests for utility right of ways and working easements.

## **IMPLICATIONS OF RECOMMENDATION(S)**

### Financial:

The City's Off-Site Levy Recovery Fund reserve is intended to be utilized as a funding source to allow the City to front-end strategically selected projects which are primarily funded through the OSL program. Sanitary Project 8 is an OSL project and the land interest costs are an eligible reimbursable cost through the OSL program. Any funds spent in 2020 for this purpose would be eligible to begin to receive reimbursement in 2021 under annual recoveries in accordance with the terms of Council Policy C-P&E-08 OSL Framework. The uncommitted balance of this reserve as of April 30, 2020 is \$17.9 million.

### Legal / Risk:

There is little risk to the City in obtaining land interests on private property to facilitate the construction of Sanitary Project 8. The City's standard template for utility rights of ways will be used. These land interests would be registered against the titles to affected properties which will ensure the City has legal property rights in place to allow for the eventual installation of Sanitary Project 8, even if it were not to proceed in the near future.

As working easements also need to be negotiated in advance of construction to finalize design plans, there is the potential that working easements might need to be further negotiated if construction does not proceed within the timeframes contemplated in the working easements.

### Program or Service:

Obtaining land interests for Sanitary Project 8 as part of the design process ensures this project is shovel-ready for construction.

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If Council does not wish to support the recommendation, the following alternative could be considered:

Alternative 1: That Council approve the funding request recommendation but utilize a different reserve fund or funding source.

This would provide Administration with the means to immediately proceed with obtaining necessary land interests for Sanitary Project 8.

Report Date: June 1, 2020  
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