



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: March 9, 2021

Report Number: PWES-2021-15

Subject: CR46 Webster-Laval Sanitary Sewer Easement Acquisition

Recommendations

It is recommended:

That Report No. PWES-2021-15 County Road 46, Webster and Laval Sanitary Sewer Extension Easement Acquisitions Requirements, **be received;**

And that the final negotiated settlement (dated October 13, 2020) **be approved** between The Corporation of the Town of Tecumseh and 676937 ONTARIO LTD. and the Town's Solicitor **be authorized** to move forward with the preparation of the reference plan and legal easement documents for the required easement for a sanitary sewer and related sanitary service connections at 4975 8th Concession Road;

And further that a by-law **be prepared** to authorize the Mayor and Clerk to execute easement agreements/documents between The Corporation of the Town of Tecumseh and 676937 ONTARIO LTD., in a form satisfactory to the Town's Solicitor, that may be needed for the required easements for a sanitary sewer and related sanitary service connections at 4975 8th Concession Road.

Background

The Oldcastle Hamlet is a designated urban area in the Local Official Plan and the County of Essex Official Plan. Both Official Plans endorse the introduction of municipal services for all settlement areas to support existing and future development and that the provision and extension of municipal services will be established in an orderly sequence.

The Town's Water and Wastewater Master Plan (2002, and Updated in 2005, 2008 & 2018), and the report titled 'Oldcastle Hamlet Wastewater Servicing, Preliminary Design Report (2009)', identified a preferred strategy for providing wastewater servicing and treatment capacity to meet the Town's present needs and future growth within the settlement areas consisting of Tecumseh, Tecumseh Hamlet, St. Clair Bach, Oldcastle Hamlet and Maidstone Hamlet.

The Oldcastle Hamlet Settlement Area is serviced by two trunk sewers, the North Talbot Road Trunk Sanitary Sewer (conveying wastewater flows to the Lou Romano Water Reclamation Plant) and the 8th Concession Road Trunk Sanitary Sewer (conveying wastewater flows to the Little River Pollution Control Plant).

The Town completed the report titled "Oldcastle Hamlet Sanitary Servicing, 8th Concession Road Trunk Sanitary Sewer Outlet, Preliminary Design Report (2018)", which provided greater detail into the preliminary design, sewer sizes, depth and alignments, identified the need for property and easement acquisitions and provided detailed cost estimates.

The County Road 46, Webster and Laval Sanitary Sewer Extension project is a continuation of the sanitary sewer servicing within the 8th Concession Road sanitary service area. The project includes the extension of a sanitary sewer along County Road 46 from the 8th Concession Road to Webster Drive (entire length), as well as on Webster Drive and the extension of a sanitary sewer through an easement (referred to as the Laval portion of the project) just south of Highway 401.

Comments

At the December 11, 2018 Regular Meeting of Council, Administration was authorized to proceed with the engineering design for the County Road 46, Webster and Laval Sanitary Sewer Extension as part of the 2019-2023 PWES 5-Year Capital Works Plan (Motion: RCM-361/18). Accordingly, Dillon Consulting Ltd. was retained to complete the engineering. In addition to the sanitary sewers noted above, this project also includes road and storm sewer improvements on Webster Drive, construction of a new trunk watermain and replacement of the existing local watermain on County Road 46 and utility relocations. Works related to the project design, advanced utility relocations, easement acquisition and obtaining all required approvals are continuing in 2021 with construction anticipated to proceed in 2022/2023.

The "Oldcastle Industrial Park Area Sanitary Sewer Easements for Connections to the 8th Concession Trunk Sanitary Sewer Class Environmental Assessment Schedule B Project File Report" (Class EA), as prepared by Dillon in January 2016, identified the need for easements for the Laval portion of the County Road 46, Webster and Laval Sanitary Sewer Extension project. The area and dimensions of these easements have been being confirmed and refined during the detailed design stage of the project. The easements required now form part of the subject property located at 4975 8th Concession Road, the entire property being 4.477 acres in size. A Key Plan depicting the approximate location of easements is appended as Attachment 1 to this report.

The required easements are located along the northerly and easterly limits of the subject property. The permanent easement is required to accommodate the installation of the sanitary

sewer and future access to the sewer for repairs or maintenance. The Town also requires a three-year temporary or working easement providing access during construction work.

Consistent with the general direction given at the In-Camera Council Meeting of September 15, 2020, to obtain the required easements for the installation of the sanitary sewer, there have been a number of meetings and discussions with the property owner. The purpose of those meetings and discussions was to reach consensus on reasonable compensation that would avoid the need to proceed through an expropriation process for the easements. Administration has reviewed a settlement arrangement for the property with the Town's Legal Counsel, and the property owner has signed a letter confirming his agreement with the negotiated settlement arrangement. (The signed letter is included as Attachment 2).

Consultations

Financial Services
Corporate Services & Clerk
Dillon Consulting Ltd.
Town's Legal Council, Wolf Hooker Professional Corporation

Financial Implications

Based on the above noted negotiations with the property owner (679637 Ontario Ltd.), the following has been agreed to:

1. The property owner will be paid a cash price for the easement of \$30,000;
2. The Town will reimburse the property owner for reasonable legal costs incurred by the property owner for having their solicitor review the easement documentation;
3. In consideration of the payment, it is understood that the property owner, 679637 Ontario Ltd., will convey the required easements free and clear of mortgages, liens and other such encumbrances and will release the Town from any and all claims for damages loss whatsoever arising in the normal course of construction from the anticipated work to be conducted on site during the installation of the municipal works including (provided reasonable efforts are taken not to unduly impede access during the course of construction) a claim for lack of immediate, unrestricted and/or complete access.

(Note: The agreement to waive rights to claim injurious affection caused by construction would not be binding on tenants on this property.)

There are no additional financial implications arising out of the recommendation contained in this report. The above-noted Settlement Arrangement is within the funding allocation that was previously approved as part of report PWES-2018-08: 2019-2023 PWES 5-Year Capital Works Plan.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Dana Reid
Clerk I Administrative Clerk

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	PWES-2021-15 Attachment 1 – 2021-02-08 Proposed Easement 4975 8 th Concession Road
2	PWES-2021-15 Attachment 2 – 2020-10-13 Wolf Hooker Demonte Easement Letter – Signed