



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: July 27, 2021

Report Number: PWES- 2021-36

Subject: July 27, 2021
5205 8th Concession Road Sanitary Sewer Connection Agreement

Recommendations

It is recommended:

That Report PWES-2021-36 entitled “5205 8th Concession Road Sanitary Sewer Connection Agreement” **be received**;

And That By-law No. 2021-57 being a by-law to authorize the Mayor and Clerk to execute the (Sanitary) Sewer Connection Agreement with the Owner of 5205 8th Concession Road, which will facilitate the property’s sanitary connection to the 8th Concession Road Trunk Sanitary Sewer, **be adopted**.

Background

The subject property, located at 5205 8th Concession Road, is situated within the Oldcastle Hamlet area (refer to Attachment 1). The owner of the subject property is proposing to construct a new building and parking lot with a new connection to the trunk sanitary sewer on the 8th Concession Road that was installed in 2017 (refer to Attachment 2).

Comments

Oldcastle Hamlet

The Oldcastle Hamlet is approximately 875 hectares of land which has been developed primarily for industrial use. The majority of existing developments within the hamlet have historically been serviced by private on-site sewage disposal (septic) systems. A number of previous studies have identified significant pollution problems and potential health risks

attributed to the discharge of raw wastewater from failing septic systems into roadside open ditches.

The Town's 'Water and Wastewater Master Plan Update (2008)' and the report entitled 'Oldcastle Hamlet Wastewater Servicing Study, dated July 2009', both as prepared by AECOM Canada Ltd., originally identified a preferred strategy for providing wastewater servicing and treatment capacity to meet the Town's needs at that time and to provide for future growth.

The Oldcastle Hamlet is serviced by two trunk sanitary sewers, the North Talbot Road Trunk Sanitary Sewer which provides immediate servicing for much of the existing largely developed area, and the 8th Concession Road Trunk Sanitary Sewer which will provide wastewater servicing for a large tract of developable greenfield land as well as significant areas comprising existing development (refer to Attachment 3).

North Talbot Road Trunk Sanitary Sewer

The North Talbot Road Trunk Sanitary Sewer was completed in early 2012 and included the installation of a trunk sanitary sewer from Old West Drive in the City of Windsor to Oldcastle Road in the Town of Tecumseh. Lateral sanitary sewer extensions were provided on adjoining streets, with the Town subsequently installing sanitary sewers on Halford Drive (2012), Brendan Lane (2014), Binder Crescent (2014), Burke Street (2015), Moro Drive (2015/2017), Outer Drive (2015), Pulleyblank (2017), Crowder Crescent (2017), Rossi Drive (2018), and County Road 11 (2019). Currently only small sections of lateral sanitary sewer installation remain on Olympia Drive, Solar Crescent, Astor Crescent, and a small portion of County Road 11.

At the December 13, 2011 Regular Meeting of Council, Council approved the recommendations (Motion RCM-427/11) of PWES Report 39/11 titled "North Talbot Road Sanitary Sewer Outlet, Part XII By-Law", where it was recommended the cost of the sanitary sewer system for the area within the North Talbot Road Sanitary Sewer Outlet be assessed against the benefitting lands within that area based on Main and Lateral Charges in accordance with Part XII of the *Municipal Act 2001*; and that the "North Talbot Road Sanitary Sewer Outlet Main and Lateral Charges By-Law" be considered. At the same Regular Meeting of Council, Council gave the third and final reading (Motion RCM-445/11) of By-law No. 2011-103, being a by-law to impose charges upon Owners of Land who derive or may derive a benefit from sewage works constructed in a designated area of Oldcastle Hamlet and to provide for the connection of buildings to the works and the decommissioning of the existing sewage systems.

At the November 25, 2014 Regular Meeting of Council, Council approved the recommendations (Motion RCM-447/14) of PWES Report 81/14 titled "By-law No. 2014-85, being a by-law to amend By-Law 2011-103 to amend Sewer Lateral Charges section of Schedule 'B' to reflect the current construction costs for lateral sewers in the North Talbot Road Outlet Sewer Area". Council gave the third and final reading (Motion RCM-455/14) of By-law No. 2014-85 at that same meeting.

8th Concession Road Trunk Sanitary Sewer

A section of the 8th Concession Road Trunk Sanitary Sewer was completed in late 2011 and included the installation of a trunk sanitary sewer from the City of Windsor to the 8th Concession/County Road 46 intersection in the Town of Tecumseh. The installation of this trunk through the City and into the Oldcastle Hamlet was accelerated due to Provincial and Federal funding through the Infrastructure Stimulus Fund (ISF). Without this funding, this sewer would have been installed in phases over a 15-20 year period as the demand for sanitary sewers became apparent within the annexed lands within the City of Windsor.

Following the installation of the 8th Concession Road Trunk Sanitary Sewer in 2011, the Town's primary focus was on the continued installation of sanitary sewers within the North Talbot Trunk Service Area, as these sanitary sewers provided an immediate impact to a mostly developed area within the Oldcastle Hamlet. In 2017, however, the 8th Concession Road Trunk Sanitary Sewer was extended from the 8th Concession Road/County Road 46 intersection to the 8th Concession Road/North Talbot Road intersection. In addition, design is currently underway for sanitary sewer extensions within the 8th Concession Road Service Area on County Road 46, Webster Drive, Laval right of way and Del Duca Drive.

On September 26, 2017, Council received PWES Report No. 45/17 "8th Concession Road Sanitary Sewer Outlet, Main and Lateral Charges Cost Recovery By-Law" and authorized administration to proceed with a Public Information Centre to communicate estimated charges to affected landowners (Motion SCM-/17). The Town held a Public Information Centre on November 1, 2017 to present background information to benefiting property owners within the 8th Concession Road Sanitary Sewer Outlet. On February 13th, 2018, Council received Report No. PWES-2018-01 "8th Concession Road Sanitary Sewer Outlet, Main and Lateral Charges Cost Recovery Part XII By-Law" and authorized the assessment of the cost for the sanitary sewer system against benefiting lands in accordance with Part XII of the Municipal Act (Motion SCM-02/17).

It is Administration's intention to bring forward an updated Report and By-Law to Council which identifies the costs and related property assessments for the sanitary sewer system within the 8th Concession Road Sanitary Sewer Outlet Area (in accordance with Part XII of the Municipal Act 2001). This Report and By-law will include recent changes to the *Municipal Act* (2018), Water and Wastewater Master Plan Update (2018), Development Charges Background Study and By-law (2019), and the 8th Concession Road Trunk Sanitary Sewer Outlet Preliminary Design Report Addendum (2020).

In the absence of having a by-law adopted to permit 5205 8th Concession Road to connect to the sanitary sewer, the Town's Solicitor has drafted a (Sanitary) Sewer Connection Agreement (refer to Attachment 4) that outlines an estimated sanitary charge (local sewer main charge plus connection charge) that would be assessed. Administration recommends that the estimated sanitary charge be \$40,000.00 (local sewer main charge plus connection charge). This charge was estimated with consideration of the preliminary assessments provided in Report No. PWES-2018-01 "8th Concession Road Sanitary Sewer Outlet, Main and Lateral Charges Cost Recovery Part XII By-Law" that was previously received by Council on February 13, 2018. The Agreement also identifies that once the 8th Concession Road Sanitary Sewer Outlet by-law has been adopted by Council, the balance of the estimated assessment

contained within the Agreement would be adjusted to reflect the revised assessment contained within the by-law. This approach and standard Agreement have previously been used to allow two (2) other properties to connect into the sanitary sewer system within the 8th Concession Sanitary Sewer Outlet Area.

Consultations

Corporate Services & Clerk
Financial Services
Planning & Building Services
Wolfe Hooker Professional Corporation – Barristers & Solicitors

Financial Implications

Local Sewer Main and Connection Charges for 5205 8th Concession Road

The (Sanitary) Sewer Connection Agreement identifies an estimated local sewer main charge and connection charge of \$40,000. Payment is due in advance of connecting to the 8th Concession Road Trunk Sanitary Sewer. Once the 8th Concession Road Sanitary Sewer Outlet by-law has been adopted by Council, the balance of the estimated assessment contained within the Agreement would be adjusted to reflect the revised assessment contained within the by-law.

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:

Cameron Hedges, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
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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	5205 8 th Concession Road Property Location
2	5205 8 th Concession Road Servicing Plan
3	8 th Concession Sanitary Outlet Area
4	5205 8 th Concession Road Sanitary Sewer Connection Agreement