



REPORT

COMMUNITY SERVICES COMMITTEE
MEETING DATE: DECEMBER 13, 2011

FROM: Department of Engineering and Construction
DATE: November 16, 2011
SUBJECT: Encroachment Agreement - 160 Burnet Street
LOCATION: Town of Oakville
WARD: 2

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RECOMMENDATION:

1. That the request by the property owner to enter into an encroachment agreement for the property at 160 Burnet Street with the Town of Oakville to the satisfaction of the Town's Solicitor, as detailed in the report from the Department of Engineering and Construction dated November 16, 2011, be approved; and
2. That the Mayor and Clerk be authorized to execute an encroachment agreement with the owner of 160 Burnet Street.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The homeowner at 160 Burnet Street is currently on a septic tank and tile bed system and is proposing to install a private wastewater forcemain within the Burnet Street road allowance in order to connect to the Region of Halton's existing wastewater sewer system
- The encroachment agreement would permit the abandonment and decommissioning of the existing septic system at 160 Burnet Street.
- Halton has approved this request pending Oakville's approval.
- The owner of 160 Burnet Street will be responsible for all future maintenance on the proposed wastewater forcemain, including potential damages as a result of future road/utility excavations.
- This sub-surface encroachment does not pose a hazard to the public or users of the road allowance.
- The encroachment agreement would be registered on title and would remain for the life of the private wastewater forcemain.

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BACKGROUND:

The existing property at 160 Burnet Street is not connected to a municipal wastewater (sanitary sewer) collection system; it currently uses a septic tank and tile bed contained within the property. The Region of Halton does not have any wastewater infrastructure along this section of Burnet and a gravity flow wastewater main is not possible due to the elevation of the property relative to the adjacent road. The property owner is proposing to install a private wastewater forcemain (i.e. sewer pipe carrying a pumped flow) along a section of Burnett Street in order to discharge effluent from the property to Halton's existing downstream infrastructure.

Halton has approved the request for the private wastewater forcemain to be connected to the region's wastewater main, subject to the town's concurrence of the proposed private facility being located within the road allowance. The owner has requested Council's consideration of entering into an encroachment agreement to permit this.

COMMENT/OPTIONS:

Staff has reviewed the proposed sub-surface encroachment and finds it acceptable and it does not pose a hazard to the public. Staff has no concerns with allowing this under the proviso the encroachment is formalized through a legal agreement wherein the town's interests in the lands are preserved and the liability with respect to the encroachment clearly rests with the property owner. The encroachment agreement would be registered on title and would remain for the life of the private wastewater forcemain.

The town will further retain the right to require the owner to remove the encroachment at any time, should the need arise. The owner will bear all costs associated with the removal of the encroachment. As well:

- Any future maintenance work on the wastewater forcemain will require a permit from the Engineering and Construction Department.
- The owner shall save the town harmless from any and all claims due to the wastewater forcemain located within the road allowance.
- The Town of Oakville will not be providing locate services on the property owner's behalf for this private facility within the Burnet Street road allowance as it may be affected by future road or utility excavations; the property owner shall verify with staff at the region whether Halton will accept the responsibility for locates on their behalf, otherwise, it will be at the property owner's liability.

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- The owner will obtain an excavation permit to install the private wastewater forcemain and will pay for all permit fees and all costs related to it within the road allowance.
- The owner will decommission and remove the existing septic tank and tile bed in accordance with Ministry of Environment guidelines and regulations.
- The owner will be responsible for all maintenance of the private wastewater forcemain and restoration of town lands will be to the satisfaction of the Director of Engineering and Construction.
- The owner shall place a sign marker at the property line to identify the location of the forcemain at the road allowance.
- The agreement will be registered on title to the property.
- Any other conditions required by the town's Legal Department

CONSIDERATIONS:

(A) PUBLIC

This report and its recommendations do not impact the public.

(B) FINANCIAL

The applicant(s) will pay all costs associated with the development, approval and registration of the encroachment agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The sub-surface encroachment, if approved, does not pose a hazard to the public, nor is it known to conflict with any existing or planned work in this area. The presence of this encroachment does not interfere with the delivery of municipal services or the services provided by any third party utility or authority that operates within the road allowance.

The Legal Department will prepare the encroachment agreement and ensure its registration on title.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable

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(E) COMMUNITY SUSTAINABILITY

This report and its recommendations are for the sole benefit of the existing owner and prospective future owner of 160 Burnet Street, however the elimination of septic tank and tile bed treatments for residential sewage within an urban area is a benefit to community sustainability from an environmental perspective.

APPENDICES:

Appendix A: Location Map
Appendix B: Plan
Appendix C: Letter of Request

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Engineering and Construction Dept.