

REPORT

ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: DECEMBER 5, 2016

FROM: Legal Department

DATE: November 3, 2016

SUBJECT: Easement to the Region for a Watermain in Hogg's Back Park at Cross Avenue and Speers Road

LOCATION: Cross Avenue and Speers Road in Hogg's Back Park

WARD: Multiple Wards: 2 and 3

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RECOMMENDATION:

1. That Town staff be granted authority to convey a permanent watermain easement to the Region of Halton over Parts 3, 4, 5 and 7 on Reference Plan 20R-20601, and that all requisite documentation in connection with the easement be executed in accordance with By-law 2013-057; and
2. That the Town Solicitor be authorized to make minor modifications to the agreements that do not affect the substance of the agreements.

KEY FACTS:

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

- The Region requires a permanent watermain easement over Parts 3, 4, 5 and 7 on Plan 20R-20601.
- The Region also requires a temporary access permit for staging and construction on Part 6 of Plan 20R-20601, which the Town can facilitate through a Parks permit.
- The Purchase Agreement will require the Region to obtain any required approvals at its own cost for the right to cross Sixteen Mile Creek.
- The construction of the watermain may require removal of some trees from the park and the Region has agreed to provide compensation in accordance with Town requirements for any trees that are required to be removed.
- Under By-Law 2010-104, Section 4A(c) there is no requirement to declare these lands surplus.

BACKGROUND:

The Region requires a permanent watermain easement through a portion of Hogg's Back Park over Parts 3, 4, 5 and 7 on Plan 20R-20601 to improve its infrastructure

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in this area. They will also need a temporary parks permit over Part 6 on Plan 20R-20601 for staging and the construction of the easement pipe.

Part 7 on Plan 20R-20601 is part of Sixteen Mile Creek which may be navigable water. If this section of the creek is navigable water then it may be under the jurisdiction of the Ministry of Natural Resources and Forestry ("MNRF"). The Purchase Agreement will require the Region to obtain any approvals required from the MNRF at the Region's cost and indemnify the Town for failure to do so.

The construction of the easement may require removal of some trees from the park and the Region has agreed to work with our Parks department to determine the appropriate compensation for any trees removed.

Due to tight construction timeline constraints from the Region, the purchase agreement is in the process of being finalized pending Council approval. The draft purchase agreement is available for inspection at the office of the Realty Services Manager.

COMMENT/OPTIONS:

In accordance with the Region's policies and protocols with the Town for road widening and infrastructure construction work, property purchases, permanent easements and temporary license agreements all reflect a nominal consideration of \$2.00. The Region confirms that subject to the Town's acceptance of the agreements, the Town will be reimbursed for reasonable legal costs and disbursements related to the transactions, if applicable.

CONSIDERATIONS:

(A) PUBLIC

The inclusion of this report in Council agenda will provide public notification.

(B) FINANCIAL

As noted above, the Region's policy and protocol regarding this type of property requirement is that transfers between the Town and the Region be at nominal consideration.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Consultation of the Region with the Town involved Engineering and Construction, Development Engineering, Roads and Works, and Parks and Open Space, who are both in concurrence with this report.

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(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

This project will improve the environmental sustainability of the community in general through improved infrastructure.

APPENDICES:

Appendix A - Plan 20R-20601 showing the lands being transferred.

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Town Solicitor