



City of
Peterborough

To: Members of the Committee of the Whole

From: Patricia Lester, City Solicitor and Director of Legal Services

Meeting Date: March 27, 2017

**Subject: Report OCSRE17-004
Purchase of 551 Harper Road from Canadian Pacific Railway
(CPR)**

Purpose

A report to recommend the acquisition of the Canadian Pacific Railway (CPR) industrial lands and rail spur at 551 Harper Road for utility and other municipal purposes.

Recommendations

That Council approve the recommendations outlined in Report OCSRE17-004 dated March 27, 2017, of the City Solicitor and Director of Legal Services, as follows:

- a) That a by-law be passed to authorize the purchase of the Canadian Pacific Railway (CPR) industrial lands and rail spur at 551 Harper Road for utility and other municipal purposes for \$400,000.00 plus HST of \$7,040.00 and land transfer tax of \$4,475.00 totaling \$411,515.00; and
- b) Concurrent with the acquisition of the portion described in red on Appendix B, that the area in **blue** be leased back to Canadian Pacific Railway (CPR) for a nominal annual fee.

Budget and Financial Implications

The purchase price of \$411,515.00 will be drawn from the 2017 Capital Budget 5-9.05 "Harper Road Landfill". After the draw of \$411,515.00, this budget will have \$470,244.00 remaining.

Background

A portion of the land being recommended for acquisition was formally used as a municipal landfill site once owned by the City of Peterborough. It was sold to CPR for CPR's continued use as an industrial rail spur.

In 2012, the City retained Dillon Consulting (Dillon) to complete a detailed environmental characterization of the Former Harper Road Waste Disposal Site to implement short-term mitigation measures to address the movement of PCB impacted sediment off-site (installation of PCB absorbing booms and berms), and develop a long-term Landfill Closure Plan for addressing environmental impacts present as a result of the former waste disposal site.

A plan was developed that would see, in part, submission of an Environmental Compliance Agreement package to address Ministry of the Environment and Climate Change (MOECC) comments on previous work, develop a monitoring plan (including triggering mechanism and contingency measures) and coordinate with the Harper Road Compost Facility closure.

One area of MOECC comments involved the CPR lands identified in this report. The MOECC expressed an opinion that the City obtain these lands so that the northern edge of the former landfill could be properly determined and that these lands could then be incorporated into the Landfill Closure Plan.

The MOECC requires that former Landfills have a Landfill Closure Plan developed to ensure the long-term protection of the environment. Since an unknown portion of the lands currently owned by CPR were once a Landfill, owning the whole of the CPR site will permit the City to meet its obligations under the **Environmental Protection Act**.

Historically the site, particularly the southern half of the site which is presently treed, was used for landfill purposes. With the site in City hands, work can progress to determine the true limits of the former landfill and to ascertain exactly what waste was put into the landfill. This is essential to developing a Landfill Closure Plan acceptable to the MOECC.

CPR still has an active rail spur near the northern limit of the subject lands and, accordingly, the intention of staff is to lease back the land occupied by CPR's active rail spur for continued use.

Submitted by,

Patricia Lester
City Solicitor and Director of Legal Services

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Attachments

Appendix A – CPR lands at 551 Harper Road
Appendix B – Area to be leased back to CPR

Appendix A: CPR lands at 551 Harper Road



Appendix B: Area to be leased back to CPR



Area in blue to be leased back to CPR for continued rail use