



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **June 3, 2019**

Subject: **Report IPSENG19-017**
Utility Services Easement between the City of Peterborough
and the Owner of 477 Bethune Street (Benson Auto)

Purpose

A report recommending acquiring an easement over the lands known municipally as 477 Bethune Street for the trunk sanitary sewer crossing at Jackson Creek as required for the completion of the Bethune Street Project.

Recommendations

That Council approve the recommendations outlined in Report IPSEC19-017 dated June 27, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Council approve a utility services easement to the City of Peterborough from the owner of 477 Bethune Street (Benson Auto) for a trunk sanitary sewer crossing at Jackson creek on terms and conditions set out in Report IPSEC19-017; and
- b) That the Commissioner, Infrastructure and Planning Services, be authorized to execute such documents to effect the said easement in forms acceptable to the City Solicitor.

Budget and Financial Implications

The appraised easement value of \$40,000, plus HST of \$5,200, Land Transfer Tax (up to \$400), Survey Costs (approximately \$3,500), Appraisal Costs (approximately \$2,000), Real Estate Commission (approximately \$1,695), Vendor's Legal fees and legal registration costs can be accommodated within the approximately \$23,900,000 funds currently available in the BethuneScape Project budget. The costs can be approved by the Commissioner of Infrastructure and Planning Services as per the delegated authority provided in Appendix B.3 c. of the Procurement By-law 18-084.

Background

Description

The existing BethuneScape Project has evolved since its inception in 2015.

In response to the Small Communities Fund (SCF) call for applications in 2015, the City of Peterborough applied with a project that would see the road and sanitary sewer along Bethune Street from Dalhousie Street to Dublin Street reconstructed along with the construction of the Jackson Creek Diversion project. The City was successful in its application and immediately began work on the project.

In November 2016, Council approved the streetscape and public realm design for Bethune Street as part of the reconstruction project creating the BethuneScape Project. In addition to the streetscaping work, the project was expanded to include cleaning up of the old rail bed on Charlotte Street and rehabilitating the George Street bridge over Jackson Creek.

The trunk sanitary sewer crossing at Jackson Creek in the vicinity of Bethune Street and Murray Street required consideration of a number of options/scenarios. The City's consultant on the Bethune Street project investigated the various options for the trunk sanitary sewer crossing and recommended a west side easement to the Bethune Street right of way. City staff explored the possibility of a purchase of the entire property at 477 Bethune Street. Following discussions with the property owner it was determined that the owner was not interested in selling the property at this time and the current operating business (Benson Auto) would remain. The cost of any expropriation of the property would have been excessive due to the existing operating business and the need to cover relocation or purchase costs. As a result, City staff explored the possibility of a utility easement. An appraisal for the recommended easement lands was obtained and the value and easement limits discussed with the property owner. Interest has been expressed by the property owner. Attached Appendix A, "Property Acquisition Plan Trunk Sanitary Sewer Jackson Creek," depicts the highlighted area as the recommended utility services easement acquisition at 477 Bethune Street for a

construction easement as well as a permanent utility easement for the trunk sanitary sewer crossing at Jackson Creek.

Required Easement for Crossing of Trunk Sanitary Sewer

As noted, the utility services easement acquisition is crucial to ensure a crossing of the updated trunk sanitary sewer. This requires the City Peterborough to enter into a utility services easement agreement with the owner of 477 Bethune Street. The agreement will require a legal reference plan that requires costs for a legal survey, depositing of the reference plan and consequent land transfer costs.

Summary

A utility services easement from the owner of 477 Bethune Street is required and recommended for the completion of the crossing of the upgraded trunk sanitary sewer at Jackson Creek. The recommendation as outlined in this report can be approved and awarded within the approved budgets as mentioned.

The full BethuneScape Project with projected funding requirements will be considered by future Councils during the various upcoming budget discussions.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure & Planning Services

Contact Name:

Blair Nelson, P.Eng
City Engineer
Phone 705-742-7777 ext 1763
Toll Free: 1-855-738-3755
Fax 705-876-4621
E-mail address: bnelson@peterborough.ca

Leslie Whiteman, P.Eng.
Senior Project Manager
Phone 705-742-7777 ext 1881
Toll Free: 1-855-738-3755
Fax 705-876-4621
E-mail address: lwhiteman@peterborough.ca

Attachment:

Appendix A: Property Acquisition Plan, Trunk Sanitary Sewer, Jackson Creek

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