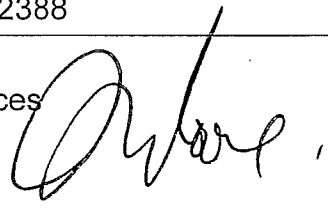




TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	May 15, 2017
SUBJECT/REPORT NO:	Cost Recovery Using Funding Methodology for Municipal Infrastructure Extensions Policy - Owner Initiated Sanitary Sewer on Windemere Rd and Shippee Ave, Stoney Creek (PW17035) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alfonso Salemi (905) 546-2424, Extension 2388
SUBMITTED BY:	Gary Moore, P.Eng. Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION

- (a) That pursuant to the City of Hamilton's "Funding Methodology for Municipal Infrastructure Extensions Policy", a full cost recovery mechanism be implemented in order to recover, for the City of Hamilton ("City"), an estimated cost of \$881,000 for the construction of a municipal sanitary sewer on the following terms and conditions:
 - (i) The cost of the construction of the municipal sanitary sewer is to be collected from the benefitting property owners in Appendix "B" to Report PW17035 and shall be payable immediately following the completion of construction;
 - (ii) The municipal sanitary sewer will be constructed on Windemere Road, east and west of Shippee Avenue and on Shippee Avenue from Windemere Road to approximately 115 metres southerly;
 - (iii) The cost of the construction of the sanitary sewer will include one (1) sanitary lateral to each benefitting property from the sanitary sewer to the property line. The work also includes the relocation of the existing watermain, the replacement of water services and the reconstruction on lands known as Windemere Road and Shippee Avenue;
 - (iv) The benefitting private property owners enter into any required documentation with the City for those property owners to be:
 - (1) entitled to a right of way over the designated portion of the City lands at the easterly end of the private road right of way lands known as Windemere

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- Road for the purpose of the passage of persons and vehicles, and for stormwater drainage; and
- (2) equally responsible for the maintenance and repair, and associated cost, of the designated portion of the City lands at the easterly end of the private road right of way lands as Windemere Road; and
 - (3) such documentation to have content acceptable to the General Manager of Planning and Economic Development and to be in a form satisfactory to the City Solicitor.
- (b) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary full cost recovery by-law to implement subsection (a);
 - (c) That the General Manager of Planning and Economic Development be authorized and directed to obtain all necessary easements to permit the construction of the municipal sanitary sewer and the existing watermain servicing the benefitting properties described in Appendix "B" to Report PW17035, on the following terms and conditions;
 - (i) each easement shall be no more than the width of the privately owned right of way lands, being approximately 6 metres; and
 - (ii) each easement shall be obtained by the City at a nominal cost; and
 - (iii) such other terms and conditions as are satisfactory to the General Manager of Planning and Economic Development and General Manager of Public Works to implement Report PW17035.
 - (d) That the City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as the City Solicitor considers reasonable;
 - (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

This report seeks authorization for the preparation of a full cost recovery by-law, under the Funding Methodology for Municipal Infrastructure Extensions Policy, for the construction cost (Appendix "B") of a new municipal sanitary sewer on lands known as Windemere Road, east and west of Shippee Avenue and on lands known as Shippee Avenue from Windemere Road to approximately 115 metres southerly in the City of Hamilton, formerly Stoney Creek (Appendix "A"). This cost includes one (1) sanitary lateral from the main sewer to the property line to each benefitting property. The work

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also includes the relocation of the existing watermain and the reconstruction of the road right of way lands known as Windemere Road and Shippee Avenue.

The storm water drainage will be attempted by road profile improvements. The City owned lands adjacent to 61, 62 and 63 Windemere Road at the easterly end of the right of way will be used to improve the traffic turning movements in the area.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The full estimated cost of \$881,000 for this report referred to in Appendix “B” will be collected from benefitting property owners, immediately following the completion of construction of the sanitary sewer on Windemere Road, as per the “Funding Methodology for Municipal Infrastructure Extensions Policy” approved by Council.

Staffing: No additional staffing is required.

Legal: The lands which comprise Windemere Road and the affected portion of Shippee Avenue are not public roads. They are all either owned by the City of Hamilton, a private landowner or the Hamilton Conservation Authority as private lands. In the case of the lands owned by the City of Hamilton, being the lands that extend northerly from the public portion of Shippee Avenue to Windemere Road and westerly along Windemere Road, the residents abutting those properties have a right of way over those lands and are responsible for the maintenance of those right of way lands. An easement will be required by the City over the easterly Windemere Road lands owned by the private landowner and the Hamilton Conservation Authority for the sanitary sewer and watermain. The easement will be to non-City standard as the lands are approximately only 6 metres in width.

HISTORICAL BACKGROUND

Windemere Road and part of Shippee Avenue are a private right of way not opened as a public road. There is an existing 6 metre wide watermain easement over the private right of way for the majority of the watermain along this corridor. The watermain on Windemere Road easterly along lands owned by HCA do not have an easement over it. This City watermain was constructed in 1985. The adjacent properties are currently on septic tanks or holding tanks. The City provides garbage pickup along Windemere Road. In the past there have been several requests for a sanitary sewer that did not transpire.

In accordance with interest from property owners on Windemere Road for the construction of a sanitary sewer, a public information meeting was held on Thursday May 7, 2015 at Stoney Creek City Hall to discuss the design options for a sanitary sewer.

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There were three options discussed at the meeting as per the following:

1) 10m standard easement: this option requires additional land, class Environmental Assessment, commitment from all property owners and doesn't require watermain relocation.

2) 8m easement: same as option 1 with less land required.

Options 1 & 2 provide a window for construction and maintenance activities for both water and sewer.

3) 6m easement: this option requires relocation of watermain, doesn't require additional land, and has less impact to properties.

The watermain relocation and renegotiation of the easement was expressed as a cost to the project. This option has the least impact to the Built Environment.

Subsequent to the meeting, a letter was mailed to the benefitting property owners asking them to select option two (2) or three (3).

In response to the letter, option 3 was the preferred option. This option is to construct a sanitary sewer within the existing 6 metre watermain easement (within the 6.096 metre Private Right of Way).

An Owner Initiated Municipal Act sanitary sewer extension petition was then prepared and distributed to all the property owners using the preferred design option to calculate the total estimated cost for the project.

The petition was "Sufficiently Petitioned For" under the Municipal Act, 2001 and the City of Hamilton Funding Methodology for Municipal Infrastructure Extensions Policy by the City Clerk's Office on February 1st, 2017.

As a result there is no financial risk to the City of Hamilton.

RELEVANT CONSULTATION

A public information meeting was held on Thursday May 7, 2015 to discuss design options for the sanitary sewer construction on Windemere Road. Based on the feedback from the public, the option to construct a sanitary sewer within the 6 metre easement was costed and provided to the property owners.

A sanitary sewer petition was "Sufficiently Petitioned For" under the Municipal Act, 2001 and the City of Hamilton Funding Methodology for Municipal Infrastructure Extensions Policy by the City Clerk's Office on February 1st, 2017.

Technical consultation with City staff was conducted to prepare this report.

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Planning and Economic Development (Real Estate):

- Was engaged to initiate consultation with respect to easement negotiations with owners of the private road.

Planning and Economic Development (Development Planning):

- Was contacted for guidance on property severances and it was stated that according to the current policy, no severances are allowed at this time.

Planning and Economic Development (Development Approvals):

- Was consulted and stated that 3 Shippee Avenue - Fifty Road Joint Venture Inc. has submitted a development proposal which will include the construction of a sanitary sewer on Shippee Avenue from McCollum Road to approximately 90 metres northerly. The timing of the proposal is unknown at this time. The only other alternative is for the City to build the sanitary sewer and charge Fifty Point Joint Venture Inc.

Public Works (Water Distribution and Wastewater Collection):

- Was consulted with respect to the non-standard 6 metre sanitary/watermain easement. It was stated that for future maintenance a wider easement is preferred but due to the restrictions of the Built Environment it was decided that a 6 metre easement was sufficient.

A list of the history of watermain breaks on Windemere Road was supplied.

Corporate Services (Capital Budgets):

- Was consulted with for the preparation of the full cost recovery by-law as per the Recommendation in this report.

Corporate Services (Legal Services):

- Was consulted to determine the City's existing and future responsibilities for the maintenance of Blocks 152 and 153 (unopened Public Roads) on Shippee Avenue and the west portion of Windemere Road. It was determined that the property owners abutting the City owned lands each bear an equal share of the maintenance costs of the private roadway/right of way.

Planning and Economic Development (Real Estate):

- Engaged to initiate consultation with respect to easement negotiations with owners of the private road.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

This project provides the opportunity for all properties along Windemere Road to connect to the new sanitary sewer. As per this project, one 150mm sanitary lateral and one water service per property will be provided.

Any additional sewer laterals, water services and upgrade sizes requested by a property owner shall be paid for by the property owner prior to construction and will be installed solely at the risk of the property owner. It will be made clear to the property owner that the City is making no representations whatsoever about the likelihood of any future development application.

As per the owner initiated "Sufficiently Petitioned For" Municipal Act project, the sanitary sewer and associated sanitary sewer laterals will be constructed on Windemere Road and Shippee Avenue. Approval of the recommendations contained in this report will enable the City to recover the full as-constructed costs from the benefitting property owners for this project, upon the completion of the construction of the project. The property owners will be responsible for the construction of the sanitary sewer laterals to be constructed on their own private property.

ALTERNATIVES FOR CONSIDERATION

The alternate would be that the City pays for the construction of the sanitary sewer and laterals and the relocation of the existing watermain and services without recovering money from the benefitting property owners. This is not in accordance with the Council approved procedure.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

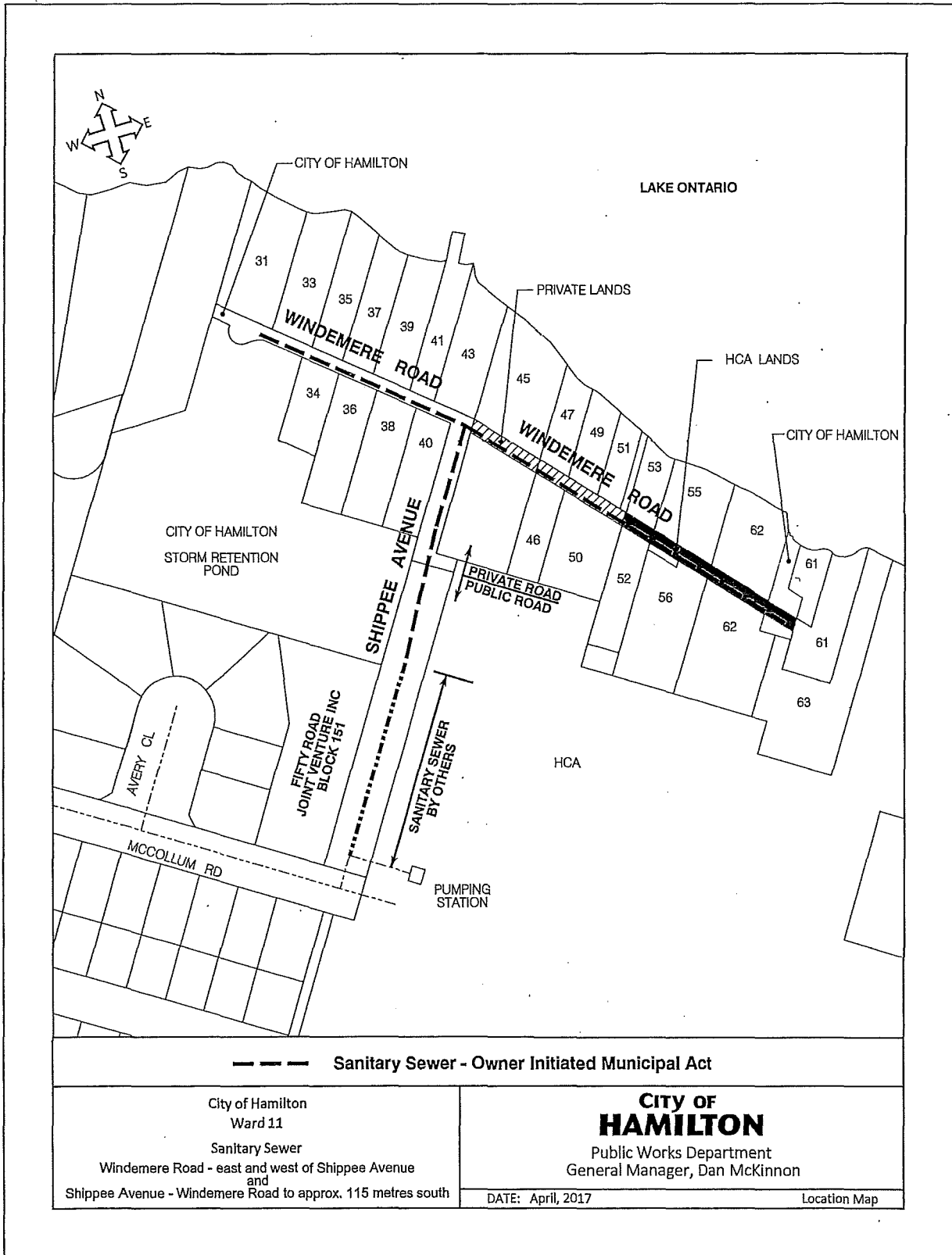
Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix A: Location Map - Windemere Road

Appendix B: Windemere Road - Owner Initiated Municipal Act Cost



Windemere Road
east and west of Shippee Avenue
Owner Initiated Municipal Act

<u>Total Estimated Cost</u> Sanitary Mainline Sewer, One (1) Sanitary Lateral, Watermain Relocation, One (1) Water Service Replacement & Road Reconstruction	\$881,000.00
<u>PROPERTY ADDRESS</u>	<u>TOTAL COST PER PROPERTY</u>
31 WINDEMERE ROAD	\$36,708.33
33 WINDEMERE ROAD	\$36,708.33
34 WINDEMERE ROAD	\$36,708.33
35 WINDEMERE ROAD	\$36,708.33
36 WINDEMERE ROAD	\$36,708.33
37 WINDEMERE ROAD	\$36,708.33
38 WINDEMERE ROAD	\$36,708.33
39 WINDEMERE ROAD	\$36,708.33
40 WINDEMERE ROAD	\$36,708.33
41 WINDEMERE ROAD	\$36,708.33
43 WINDEMERE ROAD	\$36,708.33
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47 WINDEMERE ROAD	\$36,708.33
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50 WINDEMERE ROAD	\$36,708.33
51 WINDEMERE ROAD	\$36,708.33
52 WINDEMERE ROAD	\$36,708.33
53 WINDEMERE ROAD	\$36,708.33
55 WINDEMERE ROAD	\$36,708.33
56 WINDEMERE ROAD	\$36,708.33
61 WINDEMERE ROAD	\$36,708.33
62 WINDEMERE ROAD	\$36,708.33
63 WINDEMERE ROAD	\$36,708.33

Total Estimated Cost:

\$881,000.00

Note:

Any additional sewer laterals, water services and upgrade services requested by a property owner shall be paid for by the property owner prior to construction and will be installed solely at the risk of the property owner. It will be made clear to the property owner that the City is making no representations whatsoever about the likelihood of any future development applications.