

September 24, 2007

To: Budget Committee
Executive Committee

From: Toronto and East York Community Council

Subject: Request for a waiver of the encroachment fee of \$2,400 - Expansion of Tunnel
Connecting 26 and 38 Shuter Street – St. Michael's Hospital

Recommendations:

That the Budget Committee and the Executive Committee consider a request from the Toronto and East York Community Council to waive the encroachment fee in the amount of \$2,400 relating to the expansion of a tunnel connecting 26 and 38 Shuter Street – St. Michael's Hospital.

Background

The Toronto and East York Community Council, on September 10, 2007, took the following action and forwarded to Budget Committee and the Executive Committee a request for a waiver of the encroachment fee of \$2,400:

1. approved the request to reconstruct and expand the underground tunnel crossing Victoria Street Lane connecting 26 and 38 Shuter Street from a height of approximately 2.75 m to 3.8 m with a remaining clearance of 0.5 m from the surface of the paved roadway, subject to St Michael's Hospital entering into a new encroachment agreement with the City of Toronto for this tunnel and the tunnel crossing Shuter Street connecting 30 Bond Street to 38 Shuter Street, agreeing to but not limited to the following:
 - a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in the amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. design, construct and maintain both tunnels as necessary at their own expense in good repair and in a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachments beyond what is allowed in terms of the Agreement;

- c. design and construct the expanded Victoria Street Lane tunnel to comply with the Canadian Highway Bridge Design Code (CAN/CSA) for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;
 - d. pay for the costs of preparing the Agreement and the registration Agreement on title;
 - e. pay an annual fee as set out in Municipal Code Chapter 441, Appendix C, Schedule 2, Item 13;
 - f. obtain approval for associated work on private property from the Toronto Building Division;
 - g. provide “as constructed” drawings within 90 days of completing the construction of the underground tunnel; and
 - h. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
- 2. directed Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the tunnels, subject to the approval of the General Manager of Transportation Services;
 - 3. requested Legal Services to prepare, execute and arrange to register the Encroachment Agreement on title; and
 - 4. forwarded to Budget Committee and the Executive Committee a request for a waiver of the encroachment fee of \$2,400.

Yours truly,

City Clerk

Christine Archibald/nr
2007te8-83.let

Sent to: Administrator, Budget Committee
Administrator, Executive Committee
Manager, Right of Way Management, Transportation Services Toronto and East York District

c.: Randy Hillis, Transportation Technologist, Traffic Operations, Toronto and East York District
Interested Persons