



**STAFF REPORT
ACTION REQUIRED**

Encroachment Agreement with Islington Golf Club Limited

Date:	October 15, 2007
To:	Public Works and Infrastructure Committee
From:	Executive Director, Technical Services
Wards:	Etobicoke Centre, Ward 4
Reference Number:	P:\2007\Cluster B\Tec\PW07044.doc

SUMMARY

This report is to seek City Council’s authority to negotiate and enter into an encroachment agreement with Islington Golf Club Limited (“Islington Golf”) respecting bridge encroachments within the City’s sewer easements in Islington Golf’s property.

Islington Golf is replacing an old wooden bridge with a prefabricated steel bridge in the golf course. Besides the wooden bridge, there are three other bridges in the vicinity. These bridges were built many years ago and they are partially located within the City's sanitary sewer easement.

Islington Golf has requested permission from the City to allow the installation of the new prefabricated steel bridge and to allow other existing bridges to stay. Staff have reviewed the information submitted by Islington Golf and are satisfied that the proposed installation of the prefabricated steel bridge and the other existing bridges can be accommodated as they exist within the easement without damaging the sewers. Council's authority is required for staff to negotiate and enter into an encroachment agreement.

RECOMMENDATIONS

The Executive Director, Technical Services recommends that:

1. the Executive Director of Technical Services be authorized to negotiate and enter into an encroachment agreement with Islington Golf Club Limited on terms and conditions that are satisfactory to the General Manager of Toronto Water and the City Solicitor, and
2. the appropriate City staff be directed to take necessary actions in that connection

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

The City owns two easements in the Islington Golf Club Limited's ("Islington Golf") property at 45 Riverbank Drive. One of the easements, registered as Instrument No. LT530138, was acquired in 1952 for the 525mm (21-inch) South Mimico Sanitary Trunk Sewer ("South Mimico STS"). The other easement, registered as Instrument No. B-130698, was acquired in 1964 for the 1200 mm (48-inch) North Mimico Sanitary Trunk Sewer ("North Mimico STS").

The easements traverse the Islington Golf property with some sections running parallel and adjacent to the Mimico Creek and some sections crossing the Creek at various points. A number of bridges were built over the years for use by the golfers. Four of the bridges (one wooden, one steel and two concrete) are partially located within the City's sewer easements. Other than the steel foot bridge which is shown on the drawing for North Mimico STS, there are no records of the other three bridges.

Due to age, the wooden bridge requires replacement to ensure user safety. Islington Golf has requested the City's permission to replace the old wooden bridge with a prefabricated steel bridge. At the same time, Islington Golf has also requested the City's permission to allow the other existing bridges to stay and to document the encroachment of these bridges in an encroachment agreement.

Islington Golf has submitted the following:

- design drawings for the replacement bridge prepared by GAiA Contractors (dated August 14, 2007) and signed and sealed by licensed professional engineer of Ontario K.H. Davis on August 18, 2007
- a sewer protection plan prepared by K.H. Davis Consulting Limited

- a survey plan identifying the locations of bridge encroachment prepared by ACI Survey Consultants

Islington Golf has indicated that it is prepared to enter into an encroachment agreement with the City.

COMMENTS

The four bridges have been in existence for many years and are essential for the operation of the golf course. There is no known history of any impact on the existing sewers.

Staff from Technical Services and Toronto Water have reviewed the information submitted by Islington Golf through its consultant GAiA Contractors. Staff are satisfied that the replacement bridge can be accommodated at the proposed location within the easement.

The sewer protection plan, prepared by a licensed professional engineer of Ontario, has confirmed that the design of the replacement bridge will not cause damage to the existing sewers. It has also outlined the methods of protecting the existing sewers during the construction when construction equipment may be crossing the easements.

The survey plan shows the location and the extent of the bridge encroachments. The encroachment areas are relatively insignificant.

Staff have no objection in permitting the bridge replacement and allowing the existing bridges to stay provided Islington Golf enters into an encroachment agreement with the City on terms and conditions satisfactory to the General Manager of Toronto Water and the City Solicitor. Such terms and conditions shall include but not limited to Islington Golf:

- obtaining all necessary approvals from regulatory agencies
- carrying out the construction of the replacement bridge according to the submitted design drawing and sewer protection plan
- assuming all responsibility and liability in connection with the bridges during and after construction
- indemnifying the City for any damage due to the encroachments
- providing an as-built drawing upon completion of the construction
- paying all applicable fees

CONTACT

Wai Yeung, P. Eng.
Manager,
Standards, Policies and Quality Assurance
Technical Services
Phone: 416-338-5629
Fax: 416-392-8241
e-mail: wyeung2@toronto.ca

Ted Bowering, P. Eng.
Manager,
Policy & Program Development
Toronto Water
Phone: 416-338-5473
Fax: 416-338-2828
e-mail: tbowering@toronto.ca

SIGNATURE

William G. Crowther, P. Eng.
Executive Director
Technical Services

ATTACHMENTS

none