



**STAFF REPORT
ACTION REQUIRED**

17-19 Russell Street to 255 Huron Street and 80 St. George Street - Underground Chilled Water Pipes

Date:	June 11, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Trinity-Spadina - Ward 20
Reference Number:	Te07042te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed the request for the installation of two chilled water pipes within the public right of way linking 17-19 Russell Street to 255 Huron Street and 80 St. George Street.

Given that the installation of chilled water pipes will not impact negatively on the public right of way, Transportation Services recommends approval of this request.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the chilled water pipes encroaching within the public right of way linking 17-19 Russell Street to 255 Huron Street and 80 St. George Street, subject to the property owner entering into an encroachment agreement with the City of Toronto, 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 an amount not less than \$5,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- b. maintain the encroachment at his/her own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the chilled water pipes and associated structures beyond what is allowed under the terms of the Agreement;
 - c. limit the life of the Agreement to the removal of the encroachment or the date of the demolition of the buildings being served by the chilled water pipes, whichever is lesser;
 - d. pay an annual encroachment fee for the occupation of the public right of way as determined by the Director, Real Estate Services, Facilities & Real Estate, to be adjusted annually by the Consumer Price Index (CPI);
 - e. pay for the costs of preparing the agreement and the registration of the agreement on title of the affected properties;
 - f. provide “as constructed” drawings within 90 days of completing the construction of the two chilled water pipes;
 - g. provide a certified cheque to the General Manager of Transportation Services in the amount of \$10,000 to cover the cost of permanent repairs associated with the restoration of the pavement, sidewalk, curb and boulevard and agree to pay all associated costs that may exceed this amount;
 - h. provide a certified cheque or letter of credit to Urban Forestry in the amount of \$13,000 as a tree security deposit to guarantee the removal and/or replacement of any City owned trees; and
 - i. 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. direct 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 encroachment, subject to the approval of the General Manger of Transportation Services;
 3. should Community Council decide to authorize the installation of the chilled water pipes for the Governing Council of the University of Toronto, authority also be granted to the General Manager of Transportation Services to amend the

- proposed agreement should future requests for the installation of chilled water pipes be required by the Governing Council of the University of Toronto; and
4. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The applicant, on behalf of the Governing Council of the University of Toronto, submitted an application requesting permission to install and maintain two chilled water pipes within the public right of way extending from 17-19 Russell Street to 255 Huron Street, the “McLennan Physics” building and 80 St. George Street, the “Lash-Miller” building. The chilled piping system will extend across and beneath Russell Street and extend northerly to Huron Street and then easterly along Huron Street to 255 Huron Street and 80 St. George Street. The applicant will be responsible to carry out temporary repairs to the public right of way and upon completion of the project, the City will carry out the permanent repairs to the pavement, sidewalk and boulevard area at the expense of the University of Toronto. In this regard, the Governing Council of the University of Toronto must provide a certified cheque in the amount of \$10,000 to cover off the permanent repairs and agree to pay all other associated costs that may exceed this amount.

There are eight City-owned trees that may be impacted by this project. Urban Forestry requires that a tree deposit in the amount of \$13,000 be provided for a guarantee to cover the costs of removal of existing trees and planting of new trees. This deposit will be held until all construction at the site is complete. The full deposit will be returned if Urban Forestry tree specifications are complied with and the trees are not damaged as a result of the installation.

Staff have consulted with Appraisal Services, Facilities and Real State, Corporate Services, to determine the annual rental licence fee for the lease term for the chilled water pipes connection within the public right of way connecting 17-19 Russell Street to 255 Huron Street and 80 St. George Street, however, this information was not available at the time of preparing our report. It is recommended that the initial annual rental fee be utilized and the fee be adjusted annually by the Consumer Price Index.

COMMENTS

Applicable regulations

The installation and maintenance of various encroachments within the public right of way can be considered under the provisions of Chapter 313 of the former City of Toronto Municipal Code which requires a property owner to enter into an encroachment agreement with the City and to pay an annual rental fee for the use of the public right of way.

In this particular case, as there are no provisions within the Municipal Code to allow for the installation of chilled water pipes, Transportation Services is required to report on the matter to Community Council for approval.

Reasons for Approval

The representative for the Governing Council of the University of Toronto has indicated that the advantage of having a local central chilled water plant is two fold. The first will be the deletion of the existing ozone depleting refrigerant that is contained inside their obsolete chillers. Second, the new system will have a higher energy efficient cooling capacity through the use of a modern and energy efficient chiller within the local central chilled water plant.

Transportation Services has received clearances from affected public utility companies regarding the proposed work and has determined that the proposed installation of chilled water pipes will not impact negatively upon the public right of way.

City Council has granted previous similar approval to the University of Toronto to install chilled water piping lines within the public right of way pursuant to a number of terms and conditions. Transportation Services anticipates that additional applications for chilled water piping installations will be filed by the University of Toronto and, accordingly, to expedite the process of these applications, request that authority be granted to the General Manager of Transportation Services to amend the proposed agreement to incorporate and address future requests.

Details of the encroachment are on file with Transportation Services.

The proposed route of chilled water pipes is shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - map of proposed location of chilled water pipes

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