



STAFF REPORT ACTION REQUIRED

Maintenance of a Gas Meter/Regulator and Bollards - 311 Adelaide Street East

Date:	September 18, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	Te08087te.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 a request from the developer/owner of 311 Adelaide Street East for the maintenance of a gas meter/regulator and three steel bollards that encroach approximately 0.66 m onto the City sidewalk on the Frederick Street flank of 311 Adelaide Street East.

As the gas meter/regulator and bollards do not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

The developer/owner together with any interested parties will be given the opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of the gas meter/regulator and bollards which encroach within a portion of the public right of way on the Frederick Street flank of 311 Adelaide Street East, subject to the property owner entering into an 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 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 \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. maintain the encroachments at their 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 encroachments beyond what is allowed under the terms of the Agreement;
 - c. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
 - d. provide a Legal Survey of the property;
 - e. limit the life of the Agreement to the removal of the encroachments or the date of demolition of the building at 311 Adelaide Street East, whichever is the less; and
 - f. 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 Manager of Transportation Services; and
 3. request Legal Services to prepare, execute and arrange to register the Encroachment Agreement.

Financial Impact

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

ISSUE BACKGROUND

An application was received from the developer/owner requesting permission to maintain a gas meter/regulator and three bollards that encroach within a portion of the City sidewalk on the Frederick Street flank of 311 Adelaide Street East. Photos of the existing gas meter/regulator and bollards are shown in Appendix 'A'.

The site is bounded by Adelaide Street East to the north, a private courtyard to the east, a public lane to the south (rear) and Frederick Street to the west. The streetscape along Frederick Street has recently been reconstructed in connection with the development at

311 Adelaide Street East. The Frederick Street public right of way immediately adjacent to the building at 311 Adelaide Street East is comprised of a 2.52 m wide sidewalk and a 2.53 m wide boulevard located between the sidewalk and the roadway. Although the boulevard treatment is not yet complete, in its completed state it will include tree plantings and will be paved with concrete unit pavers, which can accommodate the pedestrian overflow from the sidewalk.

The applicant claims that they originally planned to install the gas meter/regulator within private property, however upon meeting with their consulting Mechanical Engineer and Enbridge's engineering staff, it was revealed that the gas meter/regulator could not be accommodated within the property itself. Due to the building design and in order for the applicant to be in compliance with Enbridge's safety requirements there was no other location within private property to install the gas meter/regulator. Enbridge requires that the gas meter/regulator be at least 5.0 m from any entrance and that the gas line must run from Frederick Street.

The gas meter/regulator is of steel construction and projects 0.4 m from the building wall onto the City sidewalk. The three metal bollards have been installed to protect against damage to the gas meter/regulator (i.e. errant vehicles). The bollards measure 1.0 m in height and provide a minimum 1.86 m sidewalk clearance.

COMMENTS

Applicable Regulation

As there are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to allow for the encroachment of gas meter/regulators within the public right of way, we are required to report to Community Council on this matter.

The construction and maintenance of bollards within the public right of way are governed under the criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provides for bollards to be set back a minimum of 0.46 m from the rear edge of the sidewalk or 2.10 m from the curb, where no sidewalk is present. The by-law does not provide for the installation of bollards within the travelled portion of the public right of way. As this is a variance to the by-law, we are required to report on the matter as a deputation item.

Reasons for Approval

Transportation Services has reviewed the application and determined that the maintenance of the gas meter/regulator together with bollards do not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – photos

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