



STAFF REPORT ACTION REQUIRED

Granite Pavers and Glycol Heating System– 1099 Yonge Street

Date:	March 19, 2009
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 27
Reference Number:	Te09045te.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 agent of the owners of 1099 Yonge Street to install decorative sidewalks with granite pavers and a glycol heating system that will encroach within the public right of way fronting 1099 Yonge Street and the Price Street flank of 1099 Yonge Street.

As the maintenance of the decorative sidewalks with granite pavers and glycol heating system do not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of the decorative sidewalks with granite pavers and glycol heating system within the public right of way fronting 1099 Yonge Street and the Price Street flank of 1099 Yonge Street, subject to the property owners 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 from all loss, costs, damages and expenses that may result from such permission granted;
 - b. indemnify the City and utility/telecommunication companies of any damage sustained to the decorative sidewalks with granite pavers and glycol heating system in the event of a need to access the area;
 - c. indemnify the City from and against all actions, suits, claims or demands from all loss, costs, damages and expenses that may result from the water runoff yielded by the glycol heating system on the adjacent sidewalk and roadway;
 - d. maintain the decorative sidewalks with granite pavers and glycol heating system 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 encroachment beyond what is allowed under the terms of the Agreement;
 - e. obtain approval for associated work on private property from Toronto Building;
 - f. pay for the costs of preparing the Agreement and registration of the Agreement on title;
 - g. remove the decorative granite pavers and glycol heating system upon receiving 90 days written notice to do so;
 - h. in the event that the City requires the removal of the decorative paving and/or glycol system, the owner is responsible for restoring the area affected to its former condition with City of Toronto standard concrete curb and sidewalk; or alternatively, to pay the costs for the work of restoration if the work is carried out by the City;
 - 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 Manager of Transportation Services; and
 3. 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 agent for the owners of 1099 Yonge Street requested permission to install decorative sidewalks with granite pavers fronting 1099 Yonge Street for a distance of approximately 33.4 lineal meters and on Price Street for a distance of approximately 18.6 lineal metres. In addition, the owners have requested to install a glycol heating system within the same area of the public right of way.

We have received clearances from the affected utility companies regarding the proposed work and determined the proposed installation of decorative sidewalk with granite paving and the glycol heating system is acceptable and will not impact negatively upon the public right of way. The owners will be required to enter into an encroachment agreement to be registered on title for the property for the maintenance of the decorative sidewalk and glycol heating system.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for glycol heating systems within the public right of way, we are required to report to Community Council on this matter.

As the proposed decorative sidewalks with granite pavers are not consistent with the City of Toronto standard construction of sidewalks, we are required to report on this matter.

Reasons for approval

Transportation Services has reviewed the request and determined that the installation and maintenance of the decorative granite pavers and glycol heating system does not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - Photos

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