



STAFF REPORT ACTION REQUIRED

Servicing Agreement – 175 Beechwood Avenue

Date:	June 22, 2010
To:	North York Community Council
From:	Director of Water Infrastructure Management, Toronto Water
Wards:	Ward 25
Reference Number:	

SUMMARY

The Owner of 175 Beechwood Avenue has agreed to pay for and requested permission to relocate the City's watermain currently located within an existing City easement to a new location within and beyond the existing easement to accommodate the construction of a new house on 175 Beechwood Avenue. The relocation of the watermain would necessitate two new easements to be created and a partial release of the existing easement.

This report seeks to obtain Council authority to negotiate and enter into a Servicing Agreement, permitting the Owner to relocate the watermain; and to negotiate and enter into easement agreements with the Owner and the adjacent property owner EMTWO Properties Inc. at 291-311 York Mills Road.

RECOMMENDATIONS

The General Manager, Toronto Water, (the "General Manager") recommends that:

1. Council authorize the General Manager to negotiate, enter into and execute on behalf of the City:
 - (a) a Servicing Agreement (the "Servicing Agreement") and an Easement Agreement (the "Easement Agreement") with the owner of 175 Beechwood Avenue (the "Owner"); and

- (b) an Easement Agreement with EMTWO Properties Inc., the owner of 291-311 York Mills Road (the Neighbour”);

for the relocation of the City’s watermain currently located within an existing City easement crossing 175 Beechwood Avenue to a new location within and beyond the existing easement, necessitating creation of two new easements on the lands located at 175 Beechwood Avenue and 291-311 York Mills Road in the City of Toronto to accommodate such relocation, subject to the following conditions:

- i. No work shall be undertaken in respect to the relocation of the watermain until the Servicing Agreement and both Easement Agreements have been executed;
 - ii. All costs, expenses, risks and liabilities related to or associated with the relocation and works including without limitation, those related to site investigation, design, approvals, permits, agreements, fees, administration, construction, installation, testing and commissioning, and acquisition of new easements and as otherwise may be set out in the Servicing Agreement and Easement Agreements, be paid and assumed by the Owner;
 - iii. The Owner shall provide or cause its contractor to provide to the City a two year maintenance guarantee of the work;
 - iv. The Owner shall deliver to the City, in a form acceptable to City Treasurer, a Letter of Credit in an amount equal to the greater of either (a) 110% of the estimated cost of the Work, as determined by the General Manager, Toronto Water or (b) \$200,000.00 (Two Hundred Thousand Dollars), whichever is greater, to secure the Owner’s obligations under the Servicing Agreement;
 - v. The Owner shall, at the Owner’s expense, obtain or cause the its contractor(s) and consultant(s) to obtain, maintain and keep in full force and effect at all times during the term of the Servicing Agreement, including any warranty or maintenance period, such insurance coverages upon such terms as may the City may require;
 - vi. The Owner shall indemnify and save the City and its Mayor, elected officials, officers, employees, contractors and agents harmless from all costs, claims and liabilities related to or arising from the Services Agreement, relocation and work; and,
 - vii. Such Servicing Agreement and Easement Agreements to otherwise be on such terms and conditions and time restrictions as may be required by the General Manager and in a form satisfactory to the City Solicitor.
2. Council authorize the General Manager of Toronto Water to negotiate, enter into and execute on behalf of the City a partial release of the existing City easement on 175

Beechwood Avenue to accommodate the construction of a new house on those lands, in a form satisfactory to the City Solicitor.

3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.
4. The General Manager's authorization to negotiate, enter into and execute the Servicing Agreement, Easement Agreements and release of the existing easement on behalf of the City shall expire upon one year after the date of authorization by Council of Recommendations 1 and 2 of this Report if the Servicing Agreement and Easement Agreements are not then executed by all parties.

FINANCIAL IMPACT

There is no financial impact to the City from the adoption of this report. The Owner is agreeable to paying all costs associated with the relocation of the watermain of the street.

DECISION HISTORY

There is no previous decision history regarding the relocation of the watermain.

ISSUE BACKGROUND

On September 18, 1959 the Corporation of the Township of North York registered an easement agreement as Instrument North York 3200485 on 175 Beechwood Avenue for the operation and maintenance of a 300 mm watermain.

COMMENTS

Toronto Water staff has reviewed the Owner's proposal and has determined, based on the information provided, that the proposed Work will not negatively impact the City's existing infrastructure, nor hinder its future maintenance.

The Owner has provided evidence of an agreement between the Owner and the Neighbour to provide to the City the necessary easement, within 291-311 York Mills Road, to accommodate the new watermain alignment.

CONCLUSIONS

Toronto Water has no objection to the proposed Work subject to the creation of new Easement Agreement with the Neighbour and the Owner entering into a Servicing Agreement and Easement Agreement, on the terms and conditions as set out in this report.

CONTACT

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SIGNATURE

Michael D'Andrea, P. Eng.
Director, Water Infrastructure Management
Toronto Water

ATTACHMENTS

Drawing No. 1 – 300 mm Ø Watermain Relocation for 175 Beechwood Avenue / 311
York Mills Road