



STAFF REPORT ACTION REQUIRED

Installation of a Ductbank – 17 Russell Street to 1 King’s College Circle, University of Toronto

Date:	May 18, 2010
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:	Te10064te.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 for the installation of a ductbank within the public right of way linking 17 Russell Street to 1 King’s College Circle.

As the installation of the ductbank 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 ductbank within the public right of way linking 17 Russell Street to 1 King’s College Circle, 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 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 ductbank 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;
 - c. limit the life of the agreement to the removal of the encroachment or the date of the demolition of the buildings being serviced by the ductbank, whichever is the less;
 - d. provide “as-constructed” drawings within 90 days of completing the construction of the ductbank;
 - e. notify the City of any contemplated third-party use of the ductbank, conduit, or right of way, such that the agreement will be subject to renegotiation;
 - f. provide a certified cheque or letter of credit in the amount of \$75,000.00 to cover the cost of the permanent repairs associated with the restoration of the pavement, sidewalk, curb, and boulevard, and agree to pay all other associated costs that may exceed this amount;
 - g. pay an annual encroachment fee of \$25.93 per lineal metre of ductbank (2010 fees), to be adjusted annually by the Consumer Price Index (“CPI”);
 - h. obtain clearance and/or sign-off from Toronto Water and satisfy any requirements that Toronto Water may have;
 - 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;
 3. should Community Council decide to authorize the installation of the ductbank for the University of Toronto, authority be granted to the General Manager of Transportation Services to amend the proposed agreement should future requests for the installation of ductbanks be required by 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 agent, on behalf of the University of Toronto, submitted an application requesting permission to install and maintain a ductbank within the public right of way extending from 17 Russell Street, the University's Central Utilities Plant building, and the Medical Sciences building at 1 Kings College Circle. The ductbank will have two crossings within the right of way. The ductbank will extend across and beneath Russell Street and easterly to St. George Street and then northerly along St. George Street and across and beneath St. George Street to 1 Kings College Circle. The proposal is to provide an additional electrical connection from the Central Utilities Plant to the Medical Sciences building as they are in need of further electrical power to the Medical Sciences building. The proposed route of the electrical ductbank is shown on Appendix "A".

The proposed installation will be completed by open cut method. Accordingly, the applicant will be responsible to carry out temporary repairs to the pavement, sidewalk and boulevard area at the expense of the University of Toronto. In this regard, the University of Toronto must provide a certified cheque or letter of credit in the amount of \$75,000.00 to cover off the permanent repairs and agree to pay all other associated costs that may exceed this amount.

Given the potential impact of this project on existing utility services, it is the applicant's responsibility to undergo a public utility review with a view of obtaining clearances from the affected utility agencies or satisfying their requirements prior to the issuance of a construction permit authorizing work within the public right of way. At the time of the preparation of this report, clearance from Toronto Water was still outstanding.

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 installation and maintenance of the ductbank within the public right of way, we are required to report on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the installation and maintenance of the ductbank will not impact negatively on the public right of way.

Community and City Council has granted previous similar approval to the University of Toronto to install various types of infrastructure, such as fibre optic cables and chilled water pipes within the public right of way, pursuant to a number of terms and conditions. Transportation Services anticipates that additional applications for ductbank 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 encroachments are on file with Transportation Services.

CONTACT

Elio Capizzano, Supervisor, Right of Way Management

Tel: 416-392-7878, Fax: 416-392-7465, E-mail: ecapizza@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – map of proposed location of ductbank

P:\2009\Cluster B\TRA\Toronto and East York\row\te10064te.row -cam