



**STAFF REPORT
ACTION REQUIRED**

Various Encroachments – 122 Bond Street, Ryerson University

Date:	June 1, 2010
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:	Te10062te.row

SUMMARY

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

Transportation Services has assessed an application from the agent of the owners of 122 Bond Street, Ryerson University, to install decorative sidewalks with concrete pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting within the public right of way, fronting 122 Bond Street, 25 Gould Street and Victoria Street flank.

As the installation and maintenance of the encroachments do not impact negatively on the public right of way, Transportation Services recommends their approval.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of decorative sidewalks with concrete pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting within the public right of way, fronting 122 Bond Street, 25 Gould Street and the Victoria Street flank, subject to the 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 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 decorative sidewalks with concrete pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting 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. indemnify the City and utility/telecommunication companies of any damage sustained to the decorative sidewalks with concrete pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting in the event of a need to access the area;
 - d. obtain clearances and/or sign offs from all effected public utilities within the proposed area of construction and satisfy any requirements they may have;
 - e. remove the encroachments upon receiving 90 days written notice to do so;
 - f. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
 - g. in the event that the City requires the removal of the decorative sidewalks with concrete pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting, the owner is responsible for restoring the area affected to standard concrete curb and sidewalk, or alternatively, pay the costs for the work if the work is to be carried out by the City;
 - h. satisfy any further conditions of approval provided from Development Engineering and Toronto Water upon their review; 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. in the event of sale or transfer of the property abutting the encroachment, legal Services and/or the General Manager of Transportation Services be authorized to extend the Encroachment agreement to the new owner, 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. The cost of construction and ongoing maintenance of the encroachments will be borne by the property owners.

ISSUE BACKGROUND

The agent of the owners of 122 Bond Street, Ryerson University, submitted an application requesting permission to install decorative sidewalks with concrete pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting within the public right of way, fronting 122 Bond Street, 25 Gould Street and the Victoria Street flank.

The pavers will consist of granite grey coloured concrete with concrete base. The entire sidewalk area will consist of these pavers. These sections include the sidewalk areas fronting of and flanking 122 Bond Street, and Devonian Square, municipal address 25 Gould Street. This surface design is not consistent with City Standards.

The 2 silva cell systems will be installed underneath the pavers fronting and flanking 122 Bond Street.

In total, there will be 12 pedestrian scale light columns and 12 in ground lights installed along the both the frontage and flank of 122 Bond Street and Devonian Square, municipal address 25 Gould Street. The light aluminium columns will be approximately 4.2 m tall. The circular in-ground lights will be 0.72 m in diameter and be flush with grade.

The Gould Street and Bond Street Rehabilitation is work related to the expansion of the Image Arts Building which is currently under construction. The project is an opportunity to begin the process of improving the network of public civic spaces on the campus and create a design with an iconic presence and sense of place for the urban campus within the City. The pattern and contrasting colours of the paving treatment creates an identifiable language for the University. In conjunction with signature lighting elements highlighting the presence of the tree canopy, the project confirms the location of Ryerson University enhancing the experience of the City for students and citizens alike.

Transportation Services has received clearances from the affected utility companies regarding the proposed work and have determined that it will not impact negatively on the public right of way. The property owner will be required to enter into an encroachment agreement for the ongoing maintenance of the encroachments with the City to be registered on title of the property.

COMMENTS

Applicable Regulation

The former City of Toronto Municipal Code does not make provisions for these types of encroachments, thereby requiring Transportation Services to report on this matter.

Reasons for Approval

Transportation Services has reviewed the application and determined that the installation and maintenance of the decorative sidewalks with granite pavers, 2 silva cell systems, pedestrian scale lighting columns, and in-ground lighting will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the proposed area of sidewalk construction are in Appendix “A”. Conceptual drawings are provided in Appendix “B”. A property data map showing the general area of construction is provided in Appendix “C”.

CONTACT

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SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix “A” – Photos of proposed area of construction
Appendix “B” – Conceptual drawings
Appendix “C” – Property data map of general area

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