



Joe Cressy 周凱捷

City Councillor | Ward 10, Spadina-Fort York

June 25, 2019

Infrastructure and Environment Committee
City Hall, Committee Room 1
100 Queen St W
Toronto ON M5H 2N2

Dear Chair and Members,

Re: Enwave Energy Corporation Construction on Wellington Street West

Enwave Energy Corporation (Enwave) is undertaking a westerly expansion project of their chilled and hot water system in part to service "The Well" development at the northwest corner of Front Street West and Spadina Avenue. The service route includes Wellington Street West from Windsor Street to Clarence Square. The preferred route for this expansion conflicts with an existing abandoned 750 mm watermain that is owned by the City and is currently leased to Zayo Canada Inc. (Zayo). At the present time, Zayo has confirmed that it does not have any infrastructure inside the watermain. Enwave is proposing at its sole cost and expense to remove the watermain in this section of roadway in order to install their infrastructure.

As part of their project, Enwave will be providing at its sole cost and expense a 2-100mm diameter PVC conduits within their new trench for future use by the City.

In order to facilitate this work, City Council authority is required in order to amend the existing Lease of City Decommissioned Pipe System for Telecommunication Purposes, dated September 1, 2012 (the "Lease") with Zayo.

Recommendation:

The Infrastructure and Environment Committee recommend that:

1. City Council authorize the General Manager, Transportation Services in consultation with the City Solicitor to negotiate, enter into and execute an amendment to the existing "Lease of City Decommissioned Underground Pipe System" with Zayo Canada Inc. to remove the portion of City-owned pipe generally located between Wellington Street from Windsor Street to Clarence Square, to include the replacement conduits to the scope of the lease, and such other terms and conditions satisfactory to the General Manager Transportation Services, and in a form satisfactory to the City Solicitor;



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2. City Council authorize the General Manager, Transportation Services, in issuing any requisite permits to include additional permit terms and conditions as the General Manager, Transportation Services deems necessary and appropriate;
3. City Council authorize the General Manager, Transportation Services, to negotiate, enter into and execute any necessary agreements and documents, and take steps and measures necessary, on behalf of the City to facilitate the removal of a section of the leased pipe by Enwave and the installation of the new conduits; and
4. City Council delegate standing authority to the General Manager, Transportation Services to amend the "Lease of City Decommissioned Underground Pipe System" with Zayo Group Holdings, Inc., from time to time, on terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor subject to the following condition:
 - a. any amendment shall not materially impact the potential liability of the City.

Sincerely,

Joe Cressy