TOWNSHIP OF KING

DATE: February 12, 2007

TO: Council

FROM: Operations Department

SUBJECT: Land Transfer Part Block 108
Report No. OP 2007-05

1. RECOMMENDATION

It is recommended that:


B. That Council lift the block restriction outlined in the Subdivision Agreement for Registered Plan 65M-2032 prohibiting buildings and structures of any kind on block 108 to facilitate the construction of sanitary sewers and the pumping station.

C. That Council enact By-law # 2007-17 to declare the subject lands to be surplus and to authorize the transfer of a portion of Part 3, 65R2206 to Dr. Kenneth Lawson, owner of the abutting lands described as Part of lot 7, concession 4 being approximately 20m x 54m. (attachment No. 1)

D. That Operations Department staff be authorized to prepare a reference plan and the appropriate transfer documents.

2. PURPOSE

By-law Number 2007-17 has been prepared for this evening's meeting to declare the lands known as Part 3, 65R-2206 as surplus. The purpose of this report is to seek Council's authorization to proceed with the conveyance of a portion of Part 3, 65R-2206 Township of King to Dr. Kenneth Lawson to facilitate the construction of the Keele Street Pumping Station. Additionally staff request approval to proceed with remedial works to construct a new driveway from McClure Drive to the homeowner.

3. BACKGROUND

The detailed design of the King City sanitary sewer system is proceeding well. An agreement with the development community will result in contract 6A(1) being constructed by the developers in 2007.

Contract 6A(1) consists of sanitary sewers, sanitary forcemain, watermain replacement and the construction of the Keele Street pumping station.
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The Environmental Assessment for the King City sanitary sewer project identified that the Keele Street pumping station be built on a portion of the subject lands that runs between McClure Drive and Keele Street.

The subject lands are an ideal site to construct a local pumping station as this site is a geographical low point which permits the servicing of contract areas 6A(1), 6A(2), 6B, future development lands to the north and Seneca College by gravity.

An above grade pumping station was selected during the detailed design process for the following reasons:

- Safety of Township staff during regular maintenance
- Need for a backup power generating building (a power generator building was not anticipated in the preliminary design as backup power was to be provided by the Regional pumping station. Ultimately the Region of York would not provide backup power to Township owned pumping stations)
- Cost effective relative to submersible sanitary pumping stations
- Reduced inventory of replacement parts - pumping stations will be standardized across the Township
- Ease of maintenance for staff
- More environmentally friendly – natural gas backup power as opposed to diesel generators
- Lower operational costs - energy efficiency of above grade pumps
- Longer life expectancy of pumps and equipment
- Ability to incorporate odour abatement technologies within pumping stations
- 5 year warranty on all pumps and controls from the supplier

Dr. Lawson is the owner of 13260 Keele Street and has right of access over the subject lands as a means of access to his property from Keele Street. Dr. Lawson has used and maintained the Keele Street access since 1964. Dr Lawson currently has a second access across the subject lands to McClure Drive which Dr. Lawson claims is unusable during the winter because of the driveway grade and alignment. The Township employed a Landscape Architect to address Dr. Lawson’s concerns while preparing a new driveway design onto McClure Drive.

A copy of the original purchase and sale agreement was provided to the Township by the owner verifying the aforementioned access. The Operations Department consulted with the Township solicitor to confirm validity of access and received the following comments:

“We have now reviewed the title to Mr. and Mrs. Lawson's land. The title search has revealed that they acquired their property by a Deed registered June 25, 1964 from Kingslynn Developments Limited. In that deed, Kingslynn also conveyed to the Lawsons a right of way over what is now known as Part 3 on Plan 65R-2206. These are the lands on which the pumping station is to be located and currently provide the only access to the Lawson's property. (As an aside, the deed contains the consent of the King Planning Board to the severance and the creation of the easement at that time). Subsequently, the Township acquired title to the easement lands but took the lands subject to the easement in favour of
the Lawson's (it may be that this fact was unknown to King at the time). We are unable to find any irregularities in the conveyancing or find any argument that would allow the Township to argue that the easement in now defective in some manner.”

A portion of the subject lands will no longer be required by the Township and it is appropriate to transfer the lands to Dr. Lawson in exchange for the right to withdraw Dr. Lawson’s access across the easterly limits of block 108. The transferred lands would permit the construction of a safe, permanent access to McClure Drive. A permanent easement in favour of the Township of King will be required to operate and maintain the sanitary sewer across the transferred lands.

This evening, pending Council and public comments, Council may enact a By-law to declare the subject lands as “surplus lands” pursuant to the Municipal Act, 2001 and the Township policy for the disposition of municipal lands. The Township will then be able to convey the lands to a neighbouring property owner. The notice of the meeting has appeared for two weeks prior to this meeting.

There is also a restrictive covenant noted in Schedule “F” of the plan 65M-2032 Subdivision Agreement, Clause 2 – Block Restrictions, where the agreement states that “All buildings and structures of any kind are prohibited, other than those necessary for flood or erosion control, in blocks 108, 109, 110, 111, 112”. Staff have consulted with the Township solicitor regarding the removal of the restriction on block 108.

4. **FINANCIAL IMPLICATIONS**

Operations staff estimates the total cost of construction, planting, legal services and contract administration to be approximately $15,000. The costs of the aforementioned works will be included in the King city sanitary sewer works costs. Staff do not anticipate an increase in the budget for this phase of the sewer project as these costs will be offset by savings realized from the new pumping station selection.

5. **CONCLUSION**

The subject lands known as Part 3 on Plan 65R-2206 is Township owned and is the ideal location to construct sanitary sewers and a local pumping station servicing the existing community, Seneca College and future development lands to the north.

The transfer of the subject lands will ensure that the owner has safe and permanent access to an opened road allowance.
6. ATTACHMENTS

1. Aerial photograph

Prepared and Submitted by: Reviewed by:

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Director of Operations