



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** June 19, 2018

**Report Number:** SRPRS.18.152

**Department:** Planning and Regulatory Services  
**Division:** Development Engineering & Transportation

**Subject:** SRPRS.18.152 - Authorization to acquire lands from the Toronto and Region Conservation Authority for Bethesda Sideroad - Town File: L03-18002

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### **Purpose:**

To seek authorization for the acquisition of certain lands from the Toronto and Region Conservation Authority (TRCA) for Bethesda Sideroad, as well as seek authorization to execute an indemnity agreement in favor of the TRCA and obtain budget approval for the completion of a Stage 2 Archeological Assessment in support of the acquisition.

### **Recommendation(s):**

- a) That the Town acquire lands being Parts of Lots 5 and 6, Concession 2, described more particularly as Part 1, Plan 65R-29736, for nominal consideration, and:
- b) That, upon the written recommendation of the Commissioner of Planning and Regulatory Services, or designate; the Mayor and Clerk be authorized to execute an indemnity in favour of the Toronto and Region Conservation Authority (TRCA) for the transfer of Parts 1 and 3, Plan 65R-29736 from TRCA to the Town with the following indemnity terms:

“The transferee hereby certifies and agrees that it shall fully indemnify and save harmless the Transferor from any claims, injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from the above noted transaction or the carrying out of construction”;
- c) That the Town approve a budget in the amount of \$10,000.00 for services to undertake a Stage 2 Archeological Assessment required to support the conveyance of Parts 1 and 3, Plan 65R-29736 from TRCA to the Town, and;
- d) That the source of funding for this budget be the Town Wide Engineering Services Development Charge Reserve.

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### **Contact Person:**

Erik Loorand, Program Coordinator – Subdivisions, 905 747 -6357 and / or  
Jeff Walters, Manager, Development Engineering - Subdivisions & Stormwater  
Management, 905-747-6380.

### **Report Approval:**

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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### **Background:**

#### **Bethesda Sideroad Widening Lands**

As part of the external municipal services needed to support the West Gormley subdivisions, new watermains are required to be constructed within the north and south boulevards of Bethesda Sideroad, between Bayview Avenue and Leslie Street.

These new watermains will be constructed through a Servicing Agreement with the West Gormley subdivision owners, and require land acquisitions in the form of road widenings along Bethesda Road so that they can be constructed in their ultimate location.

Staff recommends that the Bethesda Sideroad widening lands be conveyed now to ensure that these watermains are installed in the ultimate location and to avoid future relocation costs.

The lands that need to be acquired along Bethesda Road include a portion owned by the Toronto and Region Conservation Authority (TRCA), described as Parts 1 and 3 on Plan 65R-29736. These lands are illustrated on Map 1.

As part of a site plan agreement between the Town and TRCA for their Swan Lake Facility on the south side of Bethesda Sideroad (Town File D06-14007), the TRCA is currently obligated to convey Part 3 on Plan 65R-29736 to the Town. With the West Gormley subdivisions proceeding, the timing is now appropriate for the Town to also acquire Part 1 on Plan 65R-29736 from TRCA.

The TRCA has confirmed that their Executive Committee has approved the conveyance of both Parts 1 and 3 on Plan 65R-29736, for nominal consideration. However, the conveyance of Parts 1 and 3 (Part 1 is beyond the requirements of the site plan agreement for File D06-14007), is subject to two conditions: 1. Obtaining an indemnity from the Town; and 2. the completion of an Archeological Assessment for the subject lands.

#### **TRCA Indemnity**

The TRCA seeks an indemnity from the Transferee for all transactions regarding land and or easement conveyances as a matter of standard business practice. In this case, the TRCA requires the Town to provide an indemnity to support the conveyance of the subject TRCA lands to the Town. The indemnity form and terms are outlined in the attached Appendix A. In July of 2017, Council approved similar indemnity terms associated with an easement conveyance from the TRCA to the Town required for a subdivision within the North Leslie East development area.

It should be noted that through provisions in the Servicing Agreement, the Town would hold the West Gormley subdivision owners responsible for all claims, costs, damages etc. that may arise from the construction of the watermain within these lands. The Town

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would only be responsible for any claims etc. once the services are assumed by the Town. The terms for this type of an indemnity have been reviewed by the Town's Legal, Risk Management, and Engineering staff, who all find the terms reasonable.

Based on the above, staff recommends the Town execute the required indemnity as per the terms outlined in Appendix A, upon the written recommendation of the Commissioner of Planning and Regulatory Services, or their designate.

### **Archeological Study and Related Budget**

To support the TRCA land conveyance to the Town, the TRCA also requires an Archeological Assessment of the subject lands. In this case, TRCA has already carried out a Stage 2 Archeological Assessment for the majority of the subject lands and has identified the need for a Stage 2 Archeological Assessment over a small portion of the subject lands on the north side of Bethesda Sideroad within Part 1, Plan 65R-29736.

TRCA has qualified staff able to undertake this type of Archeological Assessment and TRCA has provided an initial quotation in the amount of \$5,500.00 plus HST to undertake this work. As this is a standard practice as part of any conveyance of TRCA lands and as these lands are outside of the limits of the site plan approval for File D06-14007, staff considers it reasonable to have the Town fund the remaining Phase 2 Archeological Study to support the land conveyance from TRCA. To allow for contingencies and potential additional field work, staff recommends that a budget in the amount of \$10,000.00 be approved by Council for this Archeological Assessment. The Engineering Services component of the Town Wide Development Charge identifies DC recoverable costing for a portion of the future reconstruction of Bethesda Sideroad including land widening requirements. Staff recommends the budget of \$10,000.00 for this work be approved and funded from the Town Wide Engineering Services Development Charge Reserve.

### **Financial/Staffing/Other Implications:**

The proposed source of funding for the Stage 2 Archeological Assessment in the amount of \$10,000.00 is the Town Wide Engineering Services Development Charge Reserve. This reserve has a current balance of approximately \$19,077,282.00. There will be no other costs to the Town associated with the land conveyance from TRCA.

### **Relationship to the Strategic Plan:**

This report relates to the objective of serving as a role model for municipal management and wise management of our resources through an efficient and effective delivery of municipal services required to support community growth and development.

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### **Conclusion:**

Based on the above, Staff recommends that the Town acquire Part 1 on Plan 65R-29736 from TRCA at this time for nominal consideration and that the Town execute the required indemnity and undertake the required archeological assessments to support the conveyance of both Parts 1 and 3 on Plan 65R-29736.

Staff further recommends that a budget in the amount of \$10,000.00 be established from the Town Wide Engineering Services Development Charge Reserve to complete the remaining Stage 2 archeological assessment.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Map 1, Location Map
- Map 2, Plan 65R-29736
- Appendix A, TRCA Indemnity terms

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### Report Approval Details

Document Title:	SRPRS.18.152 - Authorization for Bethesda Sideroad matters .docx
Attachments:	- SRPRS.18.152 MAP 1 Location map.pdf - SRPRS.18.152 MAP 2 Plan 65R-29736.pdf - SRPRS.18.152 APPENDIX A - TRCA INDEMNITY TERMS.pdf
Final Approval Date:	Jun 8, 2018

This report and all of its attachments were approved and signed as outlined below:

**Dan Terzievski - Jun 8, 2018 - 2:44 PM**

**Kelvin Kwan - Jun 8, 2018 - 2:47 PM**

**David Dexter - Jun 8, 2018 - 3:39 PM**

**Neil Garbe - Jun 8, 2018 - 3:59 PM**