



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

**Date of Meeting:** July 3, 2018

**Report Number:** SRS.18.12

**Department:** Office of the Chief Administrative Officer

**Division:** Legal Division

**Subject:** Town Acquisition of Easement and Release of Certain Existing Easements from York Catholic District School Board (St. Theresa of Lisieux) - SRS.18.12

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### **Purpose:**

To obtain Council authorization to acquire easements and declare surplus and release certain easements over the lands owned by the York Catholic District School Board located at St. Theresa of Lisieux Catholic High School.

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

- a) That the Town acquire an easement from the York Catholic District School Board over those lands more particularly described as part of Block 3, Plan 65M-2891, designated as Parts 1, 2, 3, & 4, Plan 65R-37834 for the purpose of ingress and egress to Part 5, Plan 65R-37834;
- b) That the Town acquire an easement from the York Catholic District School Board over those lands more particularly described as part of Block 3, Plan 65M-2891, designated as Part 5, Plan 65R-37834 for the purpose of a permanent utility easement;
- c) That the easement registered as Instrument No. YR73920 over the lands owned by the York Catholic District School Board described as part of Block 3, Plan 65M-2891, designated as Part 1, Plan 65R-23592 be declared surplus to the Town's needs and released;
- d) That the easement registered as Instrument No. YR624179 over the lands owned by the York Catholic District School Board described as part of Block 3, Plan 65M-2891, designated as Part 1, Plan 65R-27416 be declared surplus to the Town's needs and released; and
- e) That the Mayor and Town Clerk be authorized to execute any documents as may be required to complete the acquisition and release of the easements over the

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lands owned by the York Catholic District School Board located at St. Theresa of Lisieux Catholic High School.

### **Contact Person:**

Christian Greco, Manager of Real Estate – Ext. 2421

Carrie Park, Project Manager, Municipal Engineering – Ext. 3563

### **Report Approval:**

**Submitted by:** Christian Greco, Manager of Real Estate

**Submitted by:** Antonio Dimilta, Town Solicitor

**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.

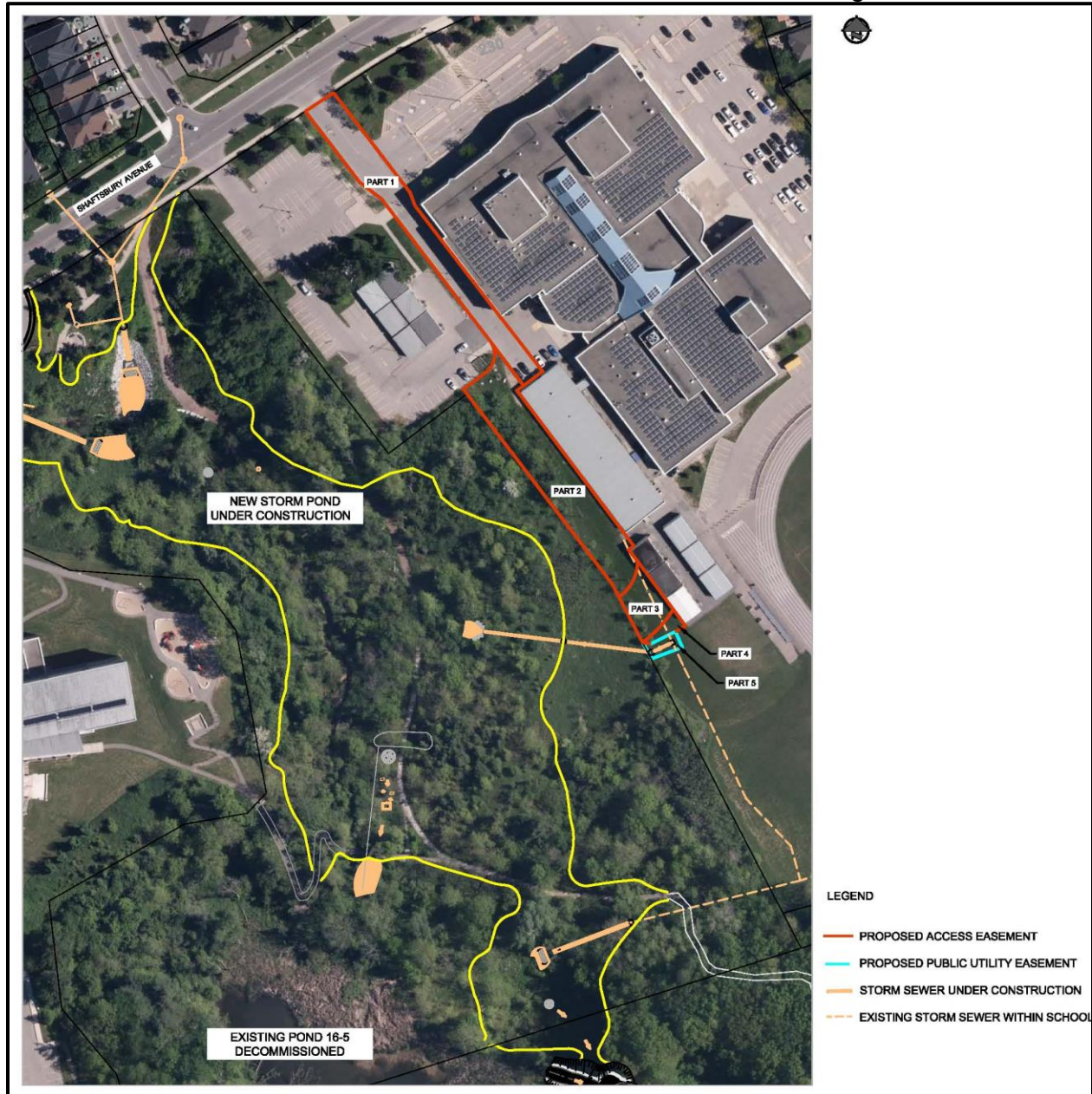
### **Background:**

The Town is currently constructing the Elgin Mills Greenway Restoration Project on Town-owned open space lands located on the southside of Shaftsbury Avenue between Elgin West Community Centre and Pool and St. Theresa of Lisieux Catholic High School. The project includes construction of storm water infrastructure, new trails, lookout structures and a boardwalk. As part of this work, the Town requires easements from York Catholic District School Board on the adjacent property being, St. Theresa of Lisieux Catholic High School located at 230 Shaftsbury Avenue (“School Board Lands”).

The storm sewers located on school property were redirecting stormwater into the old storm pond 16-5, which is now decommissioned. New storm sewers re-direct the flow to the storm pond constructed as part of the Greenway project. This includes the installation of new storm sewers and appurtenances along a new alignment. This new alignment requires an easement within the school property to allow Town staff access to the infrastructure for maintenance purposes.

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### Location of Easements at St. Theresa of Lisieux Catholic High School



In order to proceed with the above works, the Town will require a public utility easement over the School Board Lands more particularly described as Part 5, Plan 65R-37834 and an access easement for ingress and egress over Parts 1, 2, 3 and 4, Plan 65R-37834 as shown in the above aerial photo.

The School Board Lands have existing easements for the purpose of ingress and egress registered in favour of the Town as Instrument Nos. YR73920 and YR624179. These existing easements do not capture the proper alignment or full land area that is required to access and maintain the new infrastructure being installed. Therefore the

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existing easements can be released once the new easements have been registered as they will no longer be necessary.

Town staff have met with the York Region Catholic School Board and they have agreed to grant and register the required easements at nominal cost save and except for their legal fees anticipated to be about \$3,500.00 plus HST and disbursements. Furthermore, the York Region Catholic School Board also has limited the construction schedule to August.

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

The Treasurer has indicated that the source of funding to cover the legal fees for the acquisition and release of the easements is the Environment and Infrastructure Services Capital Construction Expenditure Account No. 902 2017 613 03 4135.

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

The contents of this report relate to the Strategic Plan Goal of “wise management of resources in Richmond Hill” and the objective of being responsible by serving as a role model for municipal management.

### **Conclusion:**

Town staff recommend that easements be acquired over part of Block 3, Plan 65M-2891, designated as Parts 1, 2, 3, 4 & 5, Plan 65R-37834 and that the easements no longer required registered as Instrument Nos. YR73920 and YR624179 be released.

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### Report Approval Details

Document Title:	SRS.18.12 - ACQUISITION OF EASEMENT FROM ST. THERESA OF LISIEUXdocx.docx
Attachments:	
Final Approval Date:	Jun 21, 2018

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

**Antonio Dimilta - Jun 19, 2018 - 4:13 PM**

**Neil Garbe - Jun 21, 2018 - 2:46 PM**