



Staff Report for Committee of the Whole Meeting

Date of Meeting: January 21, 2019

Report Number: SRPRS.19.001

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

Subject: **SRPRS.19.001 - Authorization to Acquire an Easement from the Toronto and Region Conservation Authority – West Gormley Secondary Plan Area; Town Files: D03-03021 and D03-03022**

Purpose:

To obtain approval for the conveyance of a servicing easement in favour of the Town from the Toronto and Region Conservation Authority in support of subdivision applications within the West Gormley Secondary Plan Area.

Recommendation(s):

- a) The acquisition of a municipal servicing easement from the Toronto and Region Conservation Authority (TRCA), over lands located within Part of Lot 2, Concession 2 (Geographical Township of Whitchurch), more particularly described as Part 1 on Plan 65R-39194, be authorized.

Contact Person:

Erik Loorand, Programs Coordinator – Subdivisions, 905-747-6357 and/or;
Jeff Walters, Manager of Development Engineering, 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 as attached.

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Background:

The TRCA owns lands west of Leslie Street and north of Stouffville Road, adjacent to the West Gormley Secondary Plan Area. These lands are illustrated on Map 1 of this report.

These TRCA lands provide a natural outlet for storm drainage from a portion of the future West Gormley Secondary area. However, this future servicing solution for the West Gormley lands will require a portion of municipal storm drainage outlet infrastructure to be located within these TRCA lands. In order to facilitate the construction of this infrastructure by the developer within the TRCA lands, as well as to protect the Town's ability to maintain and operate these services once they are assumed, an easement in favour of the Town of Richmond Hill will be required over these lands. The limits of this easement are identified on Map 2.

The DG Group, as part of the obligations of their Subdivision approvals and on behalf of all the participating landowners in the West Gormley Secondary Plan area, have been in negotiations with the TRCA to secure this subject easement. This negotiation has been successful and has resulted in a resolution of the TRCA Executive Board to enable the transfer of this easement to proceed. A copy of this resolution is attached in Appendix 1 for reference.

Normally, the conveyance of this easement to the Town would be facilitated through the DG Group's subdivision agreement process. However, there are currently a number of other Landowners within the Landowners Group that have active subdivision applications (Subdivision Files 19T-03021 and 19T-03022) that also rely on the transfer of this easement, and there is currently an active TRCA resolution in place for the timely transfer of this easement directly to the Town of Richmond Hill. As such, the DG Group has requested that the Town consider accepting the conveyance of this easement ahead of the subdivision agreement process.

Staff have reviewed this request and have no objections to accepting the conveyance of this easement at this time. However, Council authority is required in order to be able to accept this easement outside of the subdivision agreement process.

As such, staff recommend that the Town be authorized to accept a municipal servicing easement from the Toronto and Region Conservation Authority (TRCA), in favour of the Town of Richmond Hill, over lands located within Part of Lot 2, Concession 2 (Geographical Township of Whitchurch), more particularly described as Part 1 on Plan 65R-39194

As a condition of granting this easement, the TRCA also requires an indemnity from the Town of Richmond Hill. The terms of this indemnity have been reviewed and are attached in Appendix 3 for reference. Town staff has reviewed these indemnity terms and considers them typical of what the TRCA requires with any easement conveyance to the Town.

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The authority to accept these TRCA indemnity terms has already been granted by Council under By-law No.76 -17, as referenced in Appendix 2.

Financial/Staffing/Other Implications:

There are no financial implications to the Town of Richmond Hill.

The landowners are responsible for the cost of the acquisition of the easement from the TRCA, as well as any fees necessary to facilitate the transfer of the easement to the Town free of all costs, liens, and encumbrances.

Relationship to the Strategic Plan:

The authorization to convey this Town easement over TRCA lands supports the Town's Strategic Plan goal of wise management of Town infrastructure and resources, by working collaboratively and in partnership with other agencies and landowners.

Conclusion:

Based on the above, staff recommends that the Town accept conveyance of the recommended servicing easement from the TRCA in favour of the Town as outlined in this report.

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 - Reference Plan 65R-38194
- Appendix 1 - TRCA Executive Board Resolution
- Appendix 2 – By- Law 76 -17 Council Extract
- Appendix 3 – Easement Terms

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Report Approval Details

Document Title:	SRPRS.19.001 - Authorization to Acquire an Easement in Favour of the Town.docx
Attachments:	- SRPRS.19.001 MAP 1.pdf - SRPRS.19.001 MAP 2.pdf - SRPRS.19.001 - Appendix 1.pdf - SRPRS.19.001 Appendix 2.pdf - SRPRS.19.001 - Appendix 3.docx
Final Approval Date:	Jan 14, 2019

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

Dan Terziewski - Jan 14, 2019 - 10:18 AM

Kelvin Kwan - Jan 14, 2019 - 10:46 AM

Neil Garbe - Jan 14, 2019 - 11:13 AM