
TO: GENERAL COMMITTEE

SUBJECT: 45 TO-55 CEDAR POINTE DRIVE EASEMENT – DUNLOP TRUNK
SANITARY SEWER RELOCATION – EDGEHILL DRIVE TO HART
DRIVE, PROJECT EN1469

WARD: 5

PREPARED BY AND KEY CONTACT: A. MILLS, MANAGER OF LEGAL SERVICES, EXT. 5051
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SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES
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GENERAL MANAGER APPROVAL: B. ARANIYASUNDARAN, P. ENG., PMP, GENERAL MANAGER OF
INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Director of Legal Services be authorized to commence negotiations and expropriation proceedings to acquire a sanitary sewer easement (the “Easement”) necessary to facilitate the construction of a local sanitary sewer at 45 to 55 Cedar Pointe Drive over Part 1 on the Draft Reference Plan attached in Appendix “A” of this Staff Report INF003-23 (the “Subject Property”).
2. That the Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate the Easement over the Subject Property, and that the City Clerk be authorized to execute the necessary forms of application.
3. That the “Notice of Application for Approval to Expropriate” be served and published and that any requests for inquiries received, pursuant to the “Notice of Application for Approval to Expropriate” be forwarded to the Chief Inquiry Officer and that the Chief Inquiry Officer be requested to report to Council with respect to any such request.
4. That the Director of Legal Services be delegated authority to settle the expropriation or any negotiated agreement relating to the Subject Property and that the City Clerk be authorized to execute all associated and required documents in a form approved by the Director of Legal Services.

PURPOSE & BACKGROUND

5. This Staff Report is being put forward to provide staff with authorization to proceed with negotiations and expropriation proceedings to acquire the Easement over the Subject Property, in order to meet the timelines for construction of the local sanitary sewer necessary to service the existing commercial businesses from 45-75 Cedar Pointe Drive.

6. The Ministry of Transportation (the "MTO") is planning on completing the Dunlop interchange improvements starting spring of 2024. The Dunlop bridge replacement, interchange improvements, intersection improvements at Cedar Pointe Drive, intersection improvements at Hart Drive and road widening are forecasted to take four (4) years to complete. To facilitate the MTO works, MTO has requested the City to remove and relocate the existing trunk sanitary sewer that is in direct conflict with the proposed infrastructure improvements.
7. MTO acquired property from 15-75 Cedar Pointe Drive to accommodate the highway 400 widening that is currently ongoing. The existing trunk sanitary sewer runs parallel to the highway 400 within an existing permanent sanitary easement within the same lands. The property that MTO purchased places the City's existing trunk sanitary sewer within the MTO corridor, as identified in Appendix "B" of this Staff Report INF003-23 (the "Existing Conditions").
8. The City is finalizing the detailed design for the trunk sanitary sewer relocation work. The relocation includes removing and replacing sanitary sewer along Edgehill Drive, installing new trunk sanitary sewer along Cedar Pointe Drive, crossing the MTO highway 400 via micro tunneling from Dunlop to Hart Drive and finally connecting to the existing trunk sanitary sewer at Hart Drive. The work is anticipated to take a year to complete and is scheduled to start June 2023, as identified in Appendix "C" of this Staff Report INF003-23 (the "Dunlop Trunk Sanitary Relocation Works")
9. The existing trunk sanitary sewer will be decommissioned following the completion of the City's relocation works. The existing services for 45-75 Cedar Pointe Drive have been confirmed to connect to the existing trunk sanitary sewer at the rear of the property. As this infrastructure is being decommissioned, the City will need to install a new local sanitary sewer to service these lands, or the existing commercial businesses will not have any sanitary service.
10. To service 45-75 Cedar Pointe Drive, the City will install new sanitary sewer from the proposed trunk main on Cedar Pointe Drive, through the proposed Easement and along the existing permanent sanitary easement that remains outside of MTO corridor (part 1 and 12 on Reference Plan 51P24384) as identified of this Staff Report INF003-23 (the "Local Sanitary Sewer within 45-75 Cedar Pointe Drive").
11. The City has met with the existing property owner to discuss the services to the property. They are agreeable to conveying the Easement necessary for the installation of the local sanitary sewer to the City.
12. The City has initiated a cost sharing agreement with MTO regarding the trunk sanitary sewer relocation works that includes the installation of the local sewer to service 45-75 Cedar Pointe Drive. The City has requested MTO contribute 50% towards the overall construction cost, including costs related to design, construction administration and other internal costs; MTO agrees with the City's request.

ANALYSIS

13. The design for Dunlop trunk sanitary sewer relocation is 95% complete and City staff are currently completing a pre-qualification for the general contractor for the construction works and obtaining all necessary permits to complete the work.
14. Acquisition of the Easement is required as soon as possible to commence construction of the Dunlop trunk sanitary sewer relocation in June 2023.
15. A negotiated Agreement of Purchase and Sale to obtain the Easement is the preferred method of acquisition. In the event that negotiations are unsuccessful, expropriation proceedings may become necessary to acquire the Easement.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

16. This area will require works within the Lake Simcoe Regional Conservation Area regulatory area. During detailed design, the City's consultants have completed all field and environmental studies to obtain all necessary permits.
17. There are no climate change impact matters related to this project.

ALTERNATIVES

18. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could amend the recommendation by removing the ability for staff to commence expropriation proceedings and direct staff to complete the acquisition through negotiated Agreement of Purchase and Sale only.

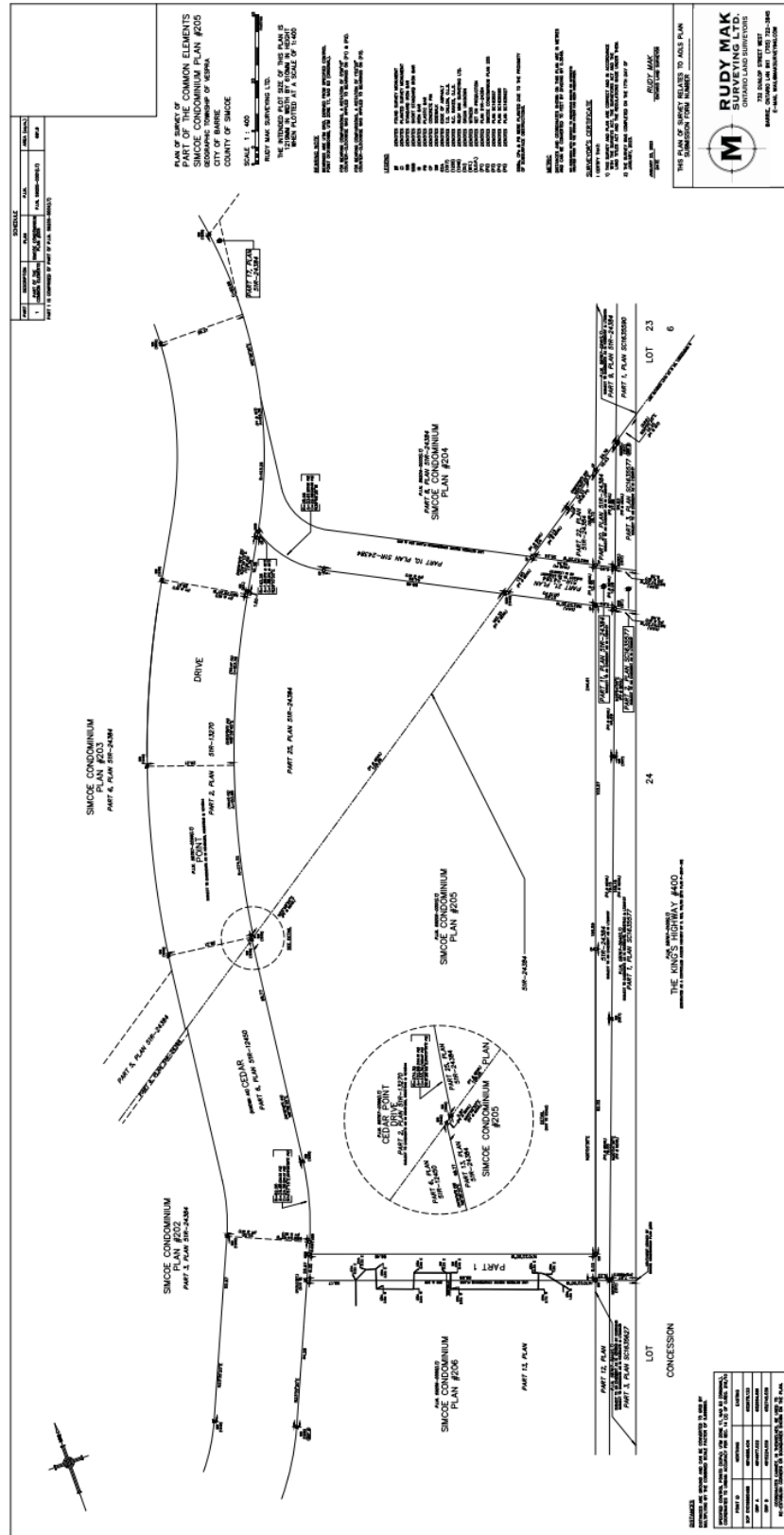
This alternative is not recommended given the City's timely requirement for the Easement and the potential for unsuccessful negotiations which could significantly delay construction.

FINANCIAL

19. The costs associated with acquiring the Easement for EN1469 and EN1306 were included in the approved 2022-2031 Business Plan and Capital Budget.

LINKAGE TO 2022–2026 STRATEGIC PLAN

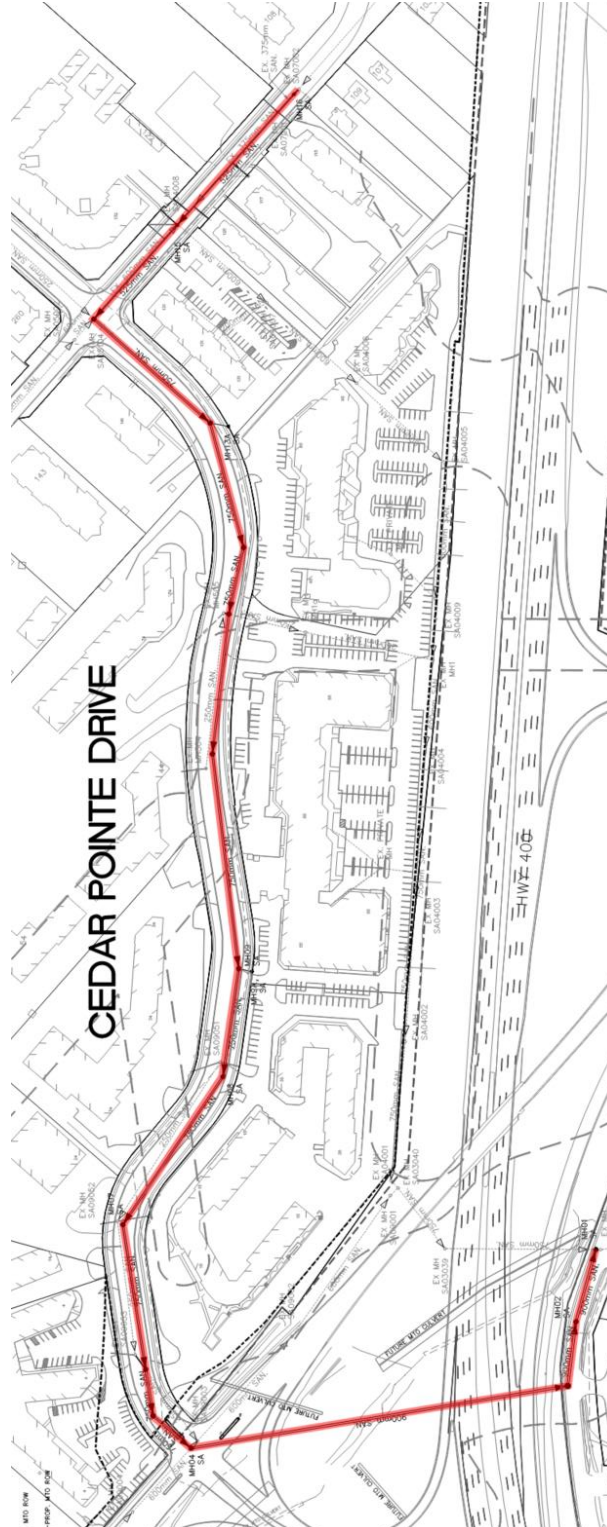
20. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:
 - Affordable Place to Live
 - Community Service
 - Thriving Community
 - Infrastructure Investments
 - Responsible Governance
21. The cost to complete the sanitary infrastructure work will be cost shared with MTO.
22. The sanitary relocation is needed to facilitate MTO's future Dunlop interchange improvements.
23. The City will ensure the existing sanitary services for the businesses along Cedar Pointe Drive are maintained.



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The yellow line is the existing City sanitary sewer that will be decommissioned because of the MTO Dunlop interchange works. The red line is the existing sanitary services that service 45-75 Cedar Pointe Drive.

APPENDIX "C"
Dunlop Trunk Sanitary Relocation Works



The red line is the proposed
sanitary relocation alignment.

APPENDIX "D"
Local Sanitary Sewer within 45 to 75 Cedar Pointe Drive

The green line is the proposed local sanitary sewer.
The purple dashed lines are the proposed service connections. An agreement to enter will be established to make the connections to the existing laterals.

