

## **COMMITTEE OF THE WHOLE - APRIL 4, 2005**

### **PROVISION OF SANITARY SEWER SERVICES OLD YONGE STREET, THORNHILL AND REQUEST FOR ADDITIONAL FUNDING**

#### **Recommendation**

The Commissioner of Engineering and Public Works, in consultation with the Director of Legal Services and the Director of Reserves and Investments recommends:

- 1) That construction of sanitary sewer services on Old Yonge Street be undertaken through Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law;
- 2) That an additional amount of \$154,000 funded from the Sewer Reserve be approved to finance the cost of a sanitary sewer on Old Yonge Street;
- 3) That staff be authorized to bring forward the appropriate By-law at a future date;
- 4) That the inclusion of the matter on a public committee or Council agenda for the additional funding request identified as Provision of Sanitary Sewer Services Old Yonge Street, Thornhill and Request for Additional Funding is deemed sufficient notice pursuant to Section 2(1) (c) of By-law 394-2002; and
- 5) That the benefiting property owners be so notified of the approval to proceed with the subject works.

#### **Purpose**

To seek Council approval with respect to the enactment of Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law; for the construction of sanitary sewer on Old Yonge Street and request additional funding.

#### **Background - Analysis and Options**

Item 18, Report No. 80, of the Committee of the Whole, which was adopted as amended by the Council of the City of Vaughan on November 25, 2002, directed as follows:

- 1) That construction of sanitary sewer services on Mill Street be undertaken through a Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law; and that the necessary By-Law be enacted;
- 2) That construction of sanitary sewer services on Old Yonge Street be undertaken through a Cost-Sharing Agreement between the City and property owners who have expressed a desire to connect to sanitary sewer services;
- 3) That the City and St. Michael's chapel share equally in "front-ending" the cost-share of sanitary sewer services on Old Yonge Street attributed to properties whose current owners do not want to connect at present; and that those funds be recovered through the City's best efforts, plus interest charges, at such time as a property is connected to services in the future; and that recovered funds be reimbursed to the City and St. Michael's Chapel in equal shares;
- 4) That the Mayor and Clerk be authorized to sign an agreement with Old Yonge Street property owners who have requested sanitary sewer services and any other necessary documents."

As per Council's direction noted above the Old Yonge Street/Mill Street project (2003 Capital Project No. 1498-0-03) which included the construction of watermain, sanitary sewer and road reconstruction on Old Yonge Street and on Mill Street in Thornhill, was tendered in late 2003. The cost of the watermain and roadwork portions of the work were to be covered by the City, with the sanitary sewer component to be charged to the benefitting property owners. Subsequent to tendering, one of the proponents, St. Michael's Chapel located at 7788 Yonge Street, withdrew its support for financial reasons. Accordingly, Council at its September 22, 2003 Meeting directed that the services on Old Yonge Street be deferred until the status of the chapel site (7788 Yonge Street) is ascertained and that the Mill Street services could proceed. Consequently, the original tender was cancelled and re-tendered for the Mill Street portion of the work only, which has since been constructed in the summer of 2004. Attachment No.1 illustrates the area remaining to be serviced.

In November of 2004, the owner of 7756 Yonge Street, approached Engineering staff and requested that the City reactivate the construction of the sanitary sewer on Old Yonge Street. He indicated that he had spoken to all of the other six potentially benefitting property owners backing on to the East side of Old Yonge Street and that all but one (7780 Yonge Street) are in agreement with absorbing the cost of the sanitary sewer. (See Attachment No. 2 - Petition).

Staff reviewed the estimated cost of the project, and based on the previously tendered prices estimates the cost of the project to be as follows:

Roadwork (payable by the City):	\$170,000.00
Watermain (payable by the City):	\$115,000.00
Sanitary Sewer (payable by the benefitting property owners):	<u>\$154,000.00</u>
Project TOTAL:	\$439,000.00

Based on the estimated cost and the associated frontage charges, the frontage rate for sanitary sewers would be about \$630.00 per metre. This is higher than the City's previously estimated frontage charge (November 2002) of approximately \$400.00 per metre because the earlier estimate included two City owned properties on the West side of Old Yonge Street, which would have benefited from and would have shared the cost of the sanitary sewer.

The City property located at No. 42 Old Yonge Street was always intended to be connected to the Mill Street sanitary sewer as the proposed Old Yonge Street sewer would not abut the property. Further, the City park located on the west side of Old Yonge Street was undergoing major renovations to their facilities prior to the Mill Street works and as such there was some urgency for the provision of the sanitary connection and timing was an issue. The facilities were eventually connected directly to the trunk sewer via a long and more expensive 120 metre service connection, rather than to the Old Yonge Street sewer as originally planned. Consequently, the current estimated cost of the sanitary sewer on Old Yonge Street will be shared by fewer owners, thus raising the unit frontage charge.

In consultation with the City's Finance Department, it was determined that sufficient funds remain in Capital Budget Account No. 1498-0-03 to cover the financial obligations for the City components of this project, being the watermain and roadworks. However, an additional amount of \$154,000 funded from the Sewer Reserve is required for the construction of the sanitary sewer. Staff note, that this amount plus applicable interest would be recovered from the benefitting owners under Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law; either in one lump sum payment or in ten annual installments in the form of taxation.

As the design for the construction of watermain, sanitary sewer and roadwork on Old Yonge Street requires very little revision to make it a "stand-alone" project, staff can prepare the tender

and initiate the adoption of Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law; for Council's consideration if approved.

### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities previously set by Council and the necessary resources have not been allocated and approved.

### **Conclusion**

Staff recommend that the provision of sanitary sewers to Old Yonge Street be undertaken as a City-initiated project through Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law. Design of the new sanitary sewer, together with needed watermain replacement and road reconstruction would be tendered in 2005 and completed as a single project, if approved.

Once all details are finalized, Sub-section 326(1) and (4) and 312(4) of the Ontario Municipal Act, 2001 Special Service By-Law; would be brought forward to Council for enactment at a future Council meeting.

An additional amount of \$154,000, to be funded from the Sewer Reserve, is also required to complete this project.

Should Council concur with the proposed additional funding request, this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act 2001, Section 291(1)(c) before amending a budget, a municipality shall give notice of its intention to amend the budget at a Council meeting. When a capital project has been subject to a meeting during the adoption of the approved capital budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a public committee or Council agenda is deemed to be sufficient notice pursuant to Section 2(1)(c) of By-law 384-2002. Therefore, no additional notice period is required.

### **Attachments**

1. Location Map
2. Petition

### **Report prepared by:**

John Zanchettin, C.E.T. – Senior Engineering Assistant, ext. 3113  
Tom Ungar, P. Eng. – Design Engineer, ext. 3110

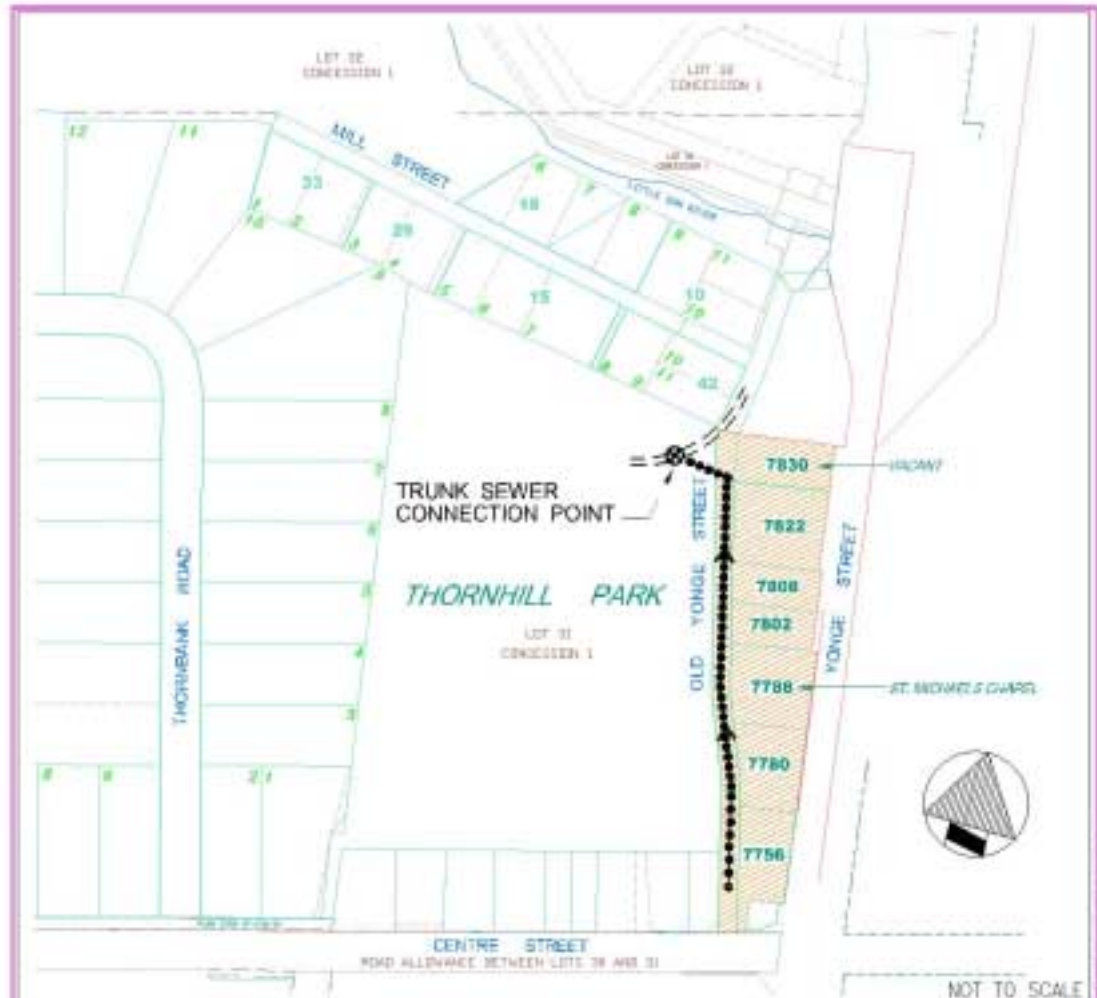
Respectfully submitted,

Bill Robinson, P. Eng.  
Commissioner of Engineering and Public Works

Gary P. Carroll, P. Eng.  
Director of Engineering Services

JZ:mc

# ATTACHMENT No. 1



## PROVISION OF SANITARY SEWERS OLD YONGE STREET

### LEGEND

- Old Yonge Street Service Area
- Old Yonge Street Sanitary Sewer,  
Road Reconstruction and Watermain Replacement

## ATTACHMENT NO. 2

### ANNA MOSER HOLDINGS

7756 YONGE STREET  
THORNHILL, ONTARIO  
L4J 1W3

TELEPHONE NO: 416-749-9522

FAX NO: 416-749-8249

To: City of Vaughan, Owner of 2 Centre Street  
Katharine Louisa Keith, Owner of 7780 Yonge Street  
Anthony Wekerle, in trust, Owner of 7786 Yonge Street  
Patrick and Kathleen Trant, Owners of 7802 Yonge Street  
Lisa DiPonio and Anna Pacifici, Owners of 7808 Yonge Street  
Phyllis Ball and Suzanne Waddams, Owners of 7822 Yonge Street

Re: Installation of Sanitary Sewers in our area

We have been working with the City of Vaughan on the sewers matter for quite sometime now and have pleasure in informing you that the City is now ready to proceed with the installation of sanitary sewers in our area as early as next spring provided each one of us owners can chip in towards such installation costs. The City requires each one of us owners to confirm our willingness to pay to them our respective share of such installation costs which the City will bill us on our realty tax bills. Kindly therefore confirm your support of the installation of the sanitary sewers and also please provide your undertaking to pay your share when billed by the City of Vaughan by signing the acceptance provisions herebelow. The City will obviously provide us owners with the estimated installation costs prior to the commencement of the work.

Signed at Toronto this 12<sup>th</sup> day of November 2004.

By:   
Renza Moser, for and on behalf of Anna Moser Holdings, Owners of 7756 Yonge Street

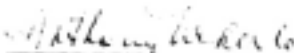
#### ACCEPTANCE

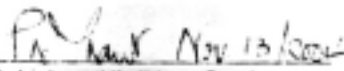
We the undersigned owners hereby support the installation of sanitary sewers in our area and undertake to pay to the City of Vaughan our respective share of the installation costs of the sanitary sewers when levied on us:

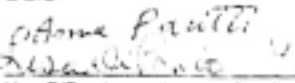
N/A  
City of Vaughan  
(2 Centre Street)  
Date:

Anna Moser Holdings  
(7756 Yonge Street)  
Date: 11-12-04

Katharine Louisa Keith  
(7780 Yonge Street)  
Date:

  
Anthony Wekerle, in trust  
(7786 Yonge Street)  
Date: 11-12-04

  
Patrick and Kathleen Trant  
(7802 Yonge Street)

  
Lisa DiPonio and Anna Pacifici  
(7808 Yonge Street)  
Date:  
DATE: Feb. 16/05

Phyllis Ball and Suzanne Waddams  
(7822 Yonge Street)  
Date: