



Corporate NO: R160

Report COUNCIL DATE: July 22, 2002

REGULAR COUNCIL

TO: Mayor & Council **DATE: July 16, 2002**

FROM: General Manager, Engineering **FILE: 7801-0235-00**

SUBJECT: Development Works Agreement for East Newton South Trunk Sanitary Sewer Works

RECOMMENDATION

That Council authorize the introduction of a Development Works Agreement By-law to recover the front-ender's cost for advancing the construction of the sanitary sewer lift station works from all the subsequent developers in the agreement benefiting area.

INTENT

The intent of this Corporate Report is to advise Council of a minor change to the proposed Development Works Agreement for sanitary sewer works in the East Newton South NCP.

BACKGROUND

In February 2002, Council approved the use of a Development Works Agreement for sanitary sewer work in the East Newton South NCP as an alternative method to finance the construction of major infrastructure works in the NCP.

Since the approval, the front-ending developer has re-evaluated the costs of the work and wishes to modify the original scope of work by adding a section of gravity sanitary sewer as part of the front-ending works. This change will add an estimated \$175,000 of work and will increase the Specified Charge from \$1,689.18/unit to \$2,871.62/unit.

A By-law to obligate developers in the benefiting area to pay this charge had not yet been submitted to Council for Introduction.

The front-ending developer has re-petitioned all the landowners in the proposed Development Works Agreement benefiting area and has received support for the revised charges from 75% of the landowners representing approximately 66.9% of the value of the land in the benefiting area. These exceed the Local Government Act's minimum requirements of 66.6% and at least 50% respectively. A copy of the revised

petition has been submitted to the City and has been certified by the City Clerk as meeting these requirements.

DISCUSSION

The developer has been working with the City in re-executing the petitioning process and in submitting the necessary supporting documentation. These documents have been reviewed by the Legal Services Division, the Engineering Department and the City Clerk, and found to satisfy the City's requirements.

Subject to Council's approval of these amendments, a By-law will be drafted and, if approved by Council, will obligate all developers in the Development Works Agreement benefiting area to pay an additional per unit charge, over and above the DCCs, for their development, to the City prior to their Servicing Agreement or Building Permit being approved. The City will collect these contributions and return them to the front-ending developer at the end of each year. The agreement will be valid for 10 years or until the front-ender has been reimbursed for the full cost of the sanitary sewer works.

The City Clerk will introduce the By-law for initial readings if Council approves the recommendations of this report.

CONCLUSION

A front-ending developer has made changes to the proposed scope of sanitary sewer works in a proposed Development Works Agreement in the East Newton South NCP, and has re-submitted valid petitions requesting Council to pass a by-law that allows them to recover the costs of the sanitary sewer lift station and gravity sewer works from subsequent developers in the benefiting area. The petition and the Development Works Agreement are in accordance with the East Newton South NCP Servicing Plans and in accordance with the practice approved by Council in January 1998.

The proposed change and the supporting documentation has been reviewed by the Engineering Department, the City Clerk and the Legal Services Division and found to meet the City's requirements.

Paul Ham, P. Eng.

General Manager, Engineering

LB:slm/PH/kjj

c.c. - Assistant City Solicitor, Legal Services Division

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