

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON JULY 31, 2017
FROM:	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES & CITY ENGINEER
SUBJECT:	38-16 FORBES STREET DEVELOPMENT AGREEMENT CLAIMABLE WORKS

RECOMMENDATION

That on the recommendation of the Managing Director, Environmental & Engineering Services & City Engineer, the following actions **BE TAKEN** with respect to the payment of eligible road and sewer works contained within the development agreement between the Corporation of the City of London and Habitat for Humanity Heartland Ontario Incorporated for 38-16 Forbes Street:

- (a) the financing for the project **BE APPROVED** in accordance with the “Sources of Financing Report” attached hereto as Appendix “A”;
- (b) Council **BE ADVISED** of the following reimbursements from the Capital Works Budget:
 - a. for roads and sewer works on Forbes Street undertaken on behalf of the City in the amount of \$166,603.71 Dollars (CDN) inclusive of all applicable taxes and engineering fees.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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77 Tecumseh Avenue West, Planning and Environment Committee Zoning By-law Amendment, June 17, 2014

77 Tecumseh Avenue West, Planning and Environment Committee Zoning By-law Amendment, February 4, 2014

77 Tecumseh Avenue West, Planning and Environment Committee Zoning By-law Amendment, April 9, 2013

77 Tecumseh Avenue West, Planning and Environment Committee, Public Participation, February 4, 2014

BACKGROUND

Purpose

This purpose of this report is to compensate a developer, Habitat for Humanity, for sanitary sewer work undertaken on behalf of the City through a development agreement.

Context

In 2013, the City’s infrastructure renewal team was working on the design of Tecumseh Avenue Infrastructure Renewal Project (one block north of Forbes Street) when they were made aware of a proposed development project by Habitat for Humanity Heartland Ontario Inc. on Forbes Street. Through the development application process, the City worked with the developer to coordinate the work required to facilitate the Tecumseh Avenue Infrastructure Renewal Project. Through the development agreement, the developer was required to undertake sanitary sewer improvements that benefited the

City with the intent that the developer would make a subsequent claim to the City for the work.

DISCUSSION

In 2013, the City's infrastructure renewal team was made aware of a possible future development project on Forbes Street. At that time, the City was working on the design of the Tecumseh Avenue Infrastructure Renewal Project (one block north of Forbes Street) and engaged the developer, Habitat for Humanity, and their consultant to ensure the work was coordinated.

The developer was required to reconstruct the street as part of their development agreement, which included the introduction to 15 new lots on the north side of the street. The project required a new storm sewer for the street and individual sanitary, storm and water services to the new lots, as well as full road restoration.

When the City learned of the significant scope of work on Forbes Street, particularly with respect to underground utilities, the City believed it was in the best interest of all parties to coordinate the work and replace 192m of the existing sanitary sewer. The existing sanitary sewer was old and also needed to be lowered to meet long term sewer infrastructure needs for the City within that block. In addition, 15 new sanitary services were to be constructed and connected to the City's old sanitary sewer, creating additional strain on the existing pipe.

The efficiencies gained by replacing the City's sanitary sewer as part of the development project were acknowledged and steps were taken to ensure the developer's consultant integrated this into their work with oversight from City engineering staff. The City had available funding and committed to contributing to a portion of said works and this was built into the developer's tender and the agreement between the City and Habitat for Humanity. The developer tendered the project and the City attended the construction tender close.

Development Agreement

The following is contained within section 4 of the amended development agreement between The Corporation of the City of London and Habitat for Humanity dated February 16th, 2017:

31k. Prior to the application for any building permits for any of the single family homes described as Phase II, the Owner shall proceed with the construction of the following works, and may make a claim to the City Wastewater and Drainage Engineering Division for the cost of the road and sewer works described below:

- i) Replacement of approximately 192 metres of 200mm diameter sanitary sewer complete with two (2) 1,200mm diameter manholes;*
- ii) Installation and restoration works associated with seventeen (17) sanitary PDCs on the south side and three (3) sanitary PDCs on the north side of Forbes Street;*
- iii) Road reconstruction equal to approximately 60 metres between station 0+170 to MacKay Avenue, including granular materials, asphalt, curb & gutter, and boulevard restoration;*
- iv) Replacement and restoration works associated with approximately 230 metres of 1.5 metre wide concrete sidewalk along the south side of Forbes Street from Winston Avenue to MacKay Avenue; and*
- v) Replacement and restoration works associated with approximately 60 metres of 1.5 metre wide concrete sidewalk along the north side of Forbes Street from station 0+170 to MacKay Avenue.*

All in accordance with the Forbes Street Reconstruction plans attached as Schedule 'Schedule C'.

The maximum limit for any claim made against the above works shall be set at \$166,603.71, inclusive of taxes and engineering fees.

CONCLUSION

The submitted claim has been reviewed and it is recommended that Habitat for Humanity Heartland Ontario Incorporated be reimbursed in the amount of \$166,603.71 in accordance with the approved development agreement.

Acknowledgements:

This report was prepared within the Wastewater and Drainage Engineering Division by Kyle Chambers, P.Eng.

SUBMITTED BY:	REVIEWED & CONCURRED BY:
TOM COPELAND, P. ENG. DIVISION MANAGER WASTEWATER AND DRAINAGE ENGINEERING	SCOTT MATHERS, MPA, P. ENG. DIRECTOR WATER & WASTEWATER ENVIRONMENTAL AND ENGINEERING SERVICES
RECOMMENDED BY:	
KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

July 20, 2017

Attach: Appendix A – Sources of Financing

- c.c. Rick Brown
- Gary McDonald
- Paul Yeoman
- Ugo DeCandido