

Report TR-TAPS-44-16

To: Chair Bell and Members of the Transportation and Public Safety Committee
From: Kim Wingrove, CAO
Meeting Date: July 21, 2016
Subject: **County of Grey/Warrilow Easement Agreement**
Status: Recommendation adopted by Committee as presented per Resolution TAPS85-16; Endorsed by County Council August 2, 2016 per Resolution CC100-16;

Recommendation(s)

WHEREAS the County of Grey has a culvert that crosses private property and no easement is in place to secure the County's right to the crossing;

AND WHEREAS a request has been received from a property owner asking the County to relocate the culvert to facilitate development of their property;

NOW THEREFORE BE IT RESOLVED THAT staff be directed to complete an easement agreement with Susan Warrilow for property located at Part of Lot 27 Registered Plan 271 – Geographic Township of Sydenham-Municipality of Meaford to allow the relocation of a culvert;

AND THAT a By-Law be prepared for County Council's consideration to register this easement;

AND THAT all costs associated with registering the easement be borne by the County of Grey.

Background

In the mid 1970's, in order to address flooding issues, the owner of the property at Part of Lot 27 Registered Plan 271 – Geographic Township of Sydenham-Municipality of Meaford requested the County to install a drainage ditch to carry water from the north side of Grey Road 15 across the property and outlet into Georgian Bay.

The open drain was replaced by a closed drain by the County around 1993. There was an agreement related to the drain drawn up in 1993 but it was not signed by the owner. (Ms. Warrilow's mother, Margaret Williams); and the land was transferred into Land Titles in 2009 and split into three lots.

The property owner now wishes to build a new dwelling unit and the drain would need to be moved to facilitate this. A discussion ensued regarding responsibility for the costs of doing this work. The County's solicitor investigated whether or not the County could be considered to have had a prescriptive easement over the property which could reasonably hold the property owner responsible for some or all of the costs. It was found that by providing an agreement to the former property owner, the County acknowledged the need to have permission to locate the drain on the property.

Engineering staff investigated relocating the drain off of the subject property but this was found to be more difficult and costly due to the topography of the site being less than suitable for draining the water effectively.

Map 1 – Property Location

The work includes the placement of a new structure connecting to the existing CSP pipe on the north side of the existing driveway (within the R.O.W.), installing 600 mm of HDPE pipe for a length of 23 metres, connected to a ditch inlet catch basin (within R.O.W.) and placing 600 mm HDPE pipe for a length of 40 metres with a concrete headwall outlet (within the Easement). The Easement will then be graded with a surface swale draining toward the outlet pipe as part of the work. All works are to be constructed as shown and detailed on the attached Drawing No. "Warrilow" (July, 2016), prepared by the County. The following conditions -to be met at the County's expense -have been requested by the Owner and approved by the County:

- 1.The entirety of the existing trees within the Easement shall be removed and disposed of, including any trees that need to be removed to safely fall trees within the Easement.
- 2.The removal of existing pipe on the Owner's property will be the responsibility of the Owner.
- 3.The final grade shall be finished with appropriate top soil and grass seed.

County staff have discussed the project with Town of Meaford building officials as well as representatives from Grey Sauble Conservation Authority. Permits from both have not yet been obtained for the building project. The County is also negotiating an access agreement with the adjacent property owner as the outlet was inadvertently placed on the wrong property in 1993 and will be removed.

Financial / Staffing / Legal / Information Technology

Considerations

There will be some costs associated with registering the easement. With regard to site works, County staff will be able to do the majority of the work. A bucket truck at a cost of \$1500 will be required to bring down two large trees and approximately \$15,000 for structures, pipe and bedding plus labour. There are no IT considerations related to this request. The funding will be obtained from the Transportation Services Surplus.

Attachments

[Easement Agreement - Warrilow](#)

Map

Drawing: Warrilow July 2016

Link to Strategic Goals / Priorities

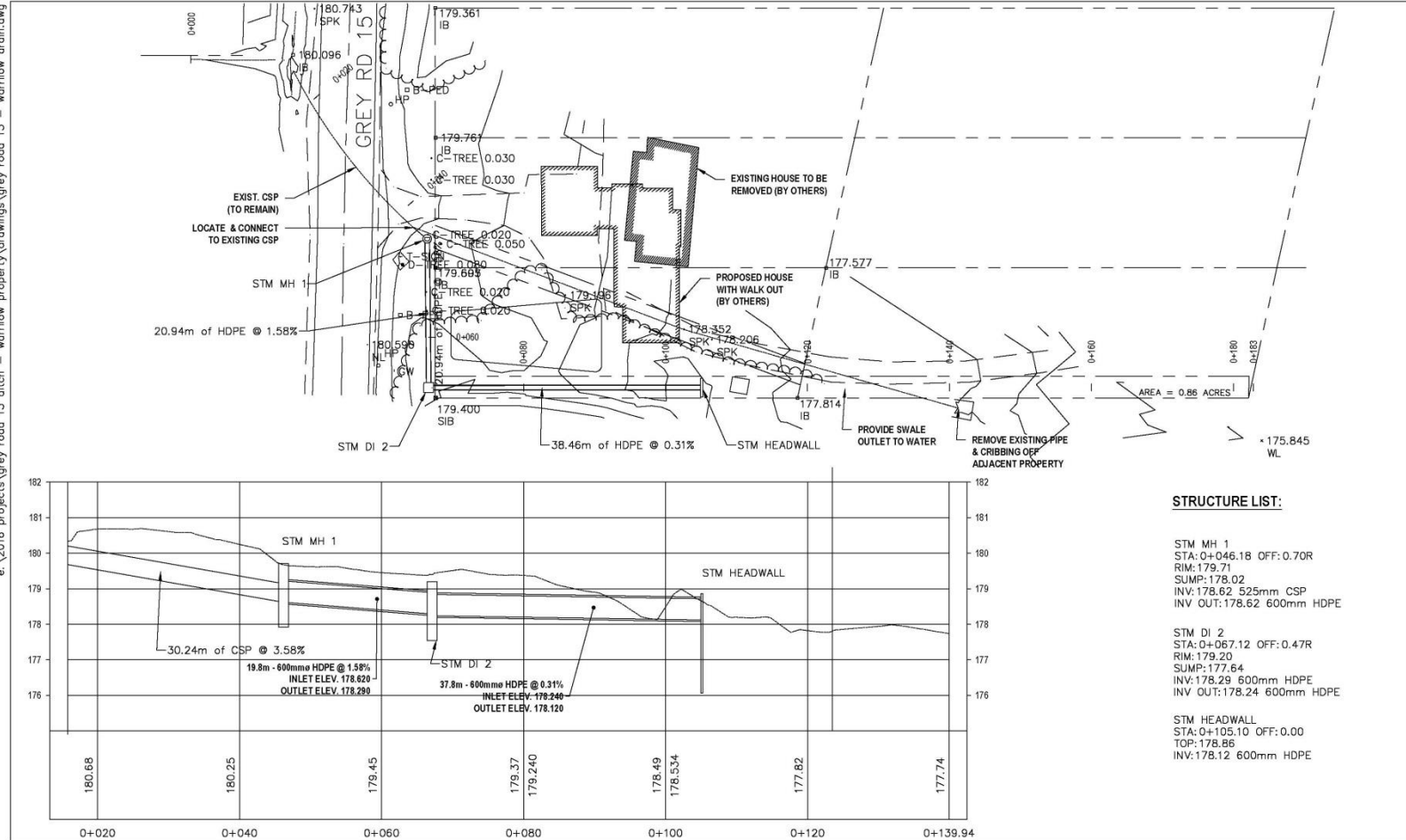
5.5 Collaborate with the public, stakeholders, and other governments to improve the delivery of county services.

Respectfully submitted by,

Kim Wingrove



e:\2016 projects\grey road 15 ditch - warrilow property\drawings\grey road 15 - warrilow drain.dwg



STRUCTURE LIST:

STM MH 1
STA: 0+046.18 OFF: 0.70R
RIM: 179.71
SUMP: 178.02
INV: 178.62 525mm CSP
INV OUT: 178.62 600mm HDPE

STM DI 2
STA: 0+067.12 OFF: 0.47R
RIM: 179.20
SUMP: 177.64
INV: 178.29 600mm HDPE
INV OUT: 178.24 600mm HDPE

STM HEADWALL
STA: 0+105.10 OFF: 0.00
TOP: 178.86
INV: 178.12 600mm HDPE

REVISIONS	No	dd/mm/yy	DESCRIPTION
	1	dd/mm/yy	TENDER ISSUE
	No	dd/mm/yy	

NOTES:

- OWNER OR BUILDER TO PROVIDE SITE GRADING & DRAINAGE PLAN.
- OWNER OR BUILDER TO ATTAIN PERMIT FOR ALL WORK DONE ON PROPERTY.

CAUTION: THE POSITION OF UTILITIES - ABOVE AND BELOW GROUND - AND ASSOCIATED STRUCTURES, MAY NOT BE SHOWN ON THIS DRAWING, AND WHERE SHOWN, THE ACCURACY OF THE LOCATION IS NOT GUARANTEED. BEFORE COMMENCING WORK, THE CONTRACTOR SHALL FORMALLY LOCATE ALL SUCH UTILITIES AND STRUCTURES AND SHALL BE LIABLE FOR ANY DAMAGE THAT MAY OCCUR AS A RESULT OF EXCAVATION OR CONSTRUCTION.

<p>Grey County TRANSPORTATION SERVICES</p>	<p>CONTRACT No. PROJECT No.</p>	<p>SHEET 1 OF 1</p>
	<p>PLAN AND PROFILE GREY ROAD 15 DITCH RECONSTRUCTION</p>	
<p>DESIGN: AAG CHECKED: P J H SCALE: 1:500 DATE: 30/05/16 DRAWN: AAG CHECKED: P J H DRAWING No: WARRILOW</p>	<p>STA 0+020 TO STA 1+140</p>	