

## COUNCIL REPORT

M&C No.	2018-361
Report Date	December 07, 2018
Meeting Date	December 17, 2018
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Proposed Easement in favour of The City of Saint John – Develop Saint John Inc. Subdivision, Galbraith Place***

### **OPEN OR CLOSED SESSION**

This matter is to be discussed in open session of Common Council.

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Mark Reade</i></b>	<b><i>Jacqueline Hamilton</i></b>	<b><i>Neil Jacobsen</i></b>

### **RECOMMENDATION**

That Common Council adopt the following resolution:

“Resolved that the City accept an easement from Develop Saint John Inc. to the land identified on the tentative subdivision plan “Develop Saint John Inc. Subdivision” dated December 11, 2018 and prepared by Don-More Surveys & Engineering Ltd., to the land identified thereon by the words “Easement in favour of The City of Saint John”, for the purpose of (i) providing the City by its officers, servants, agents, contractors and workers, the right to enter the lands subject to the easement with machinery, materials, vehicles and equipment and to construct, alter, maintain, increase the number and/or size of water pipelines and any like local government works including all related works appurtenant thereto and (2) also for the purpose of providing the City by its officers, servants, agents, contractors and workers a right of way to and over the said lands for the purpose of gaining access and egress to and from the City’s water utility infrastructure located on the adjacent property, in all cases subject to the City’s restoring promptly and as far as is practicable the surface of the lands to the same condition in which it existed prior to the commencement of the work or excavation, together with the right by action or otherwise at any time to enjoin the owner of the lands subject to the easement including the heirs, executors, administrators, successors and assigns of the owner from erecting or locating on the lands subject to the easement any building, structure or other obstacle which could impair the free and full use of the easement or permitting the erection or location on it of any such building, structure or other obstacle.”

## ***EXECUTIVE SUMMARY***

The purpose of this report is to seek Common Council's acceptance of an easement to protect existing City piped infrastructure and access road.

## ***PREVIOUS RESOLUTION***

On November 5, 2018 Common Council authorized the acceptance of money-in-lieu of the required land for public purposes (LPP) for the proposed subdivision.

## ***STRATEGIC ALIGNMENT***

It is in the interest of The City of Saint John to obtain easements for the protection and maintenance of municipal services and infrastructure.

## ***REPORT***

The applicant is seeking to subdivide existing lands with frontage on Galbraith Place and King William Road as shown on the attached subdivision plan. Lots 18-1 and 18-2 will be marketed for private development with Lot 18-3 bring sold to Emera Pipeline.

The creation of the proposed Lot 18-3 requires the establishment of a 23 metre wide easement to accommodate existing City services along with granting the City access rights over the existing access road between the City's water tower located on PID 55230627 (Parcel E on the attached plan) and Watertower Road. A resolution of Common Council is required for the acceptance of the easement.

The location and width of the easement has been confirmed by staff as sufficient to accommodate the existing underground infrastructure and access road. The purpose of this report is to recommend the necessary formal acceptance of the easement by resolution of Common Council. Develop Saint John has confirmed that they will convey the easement to the City and that this conveyance will be made prior to the transfer of lot 18-3 to the purchaser.

Often the vesting of easements is considered by Council in a recommendation from the Planning Advisory Committee when dealing with more significant subdivision and development applications where the assent to a Public Street is are required. However, in this case there is no new Public Street bring created, and the *Community Planning Act* does not require the Committee's involvement when only dealing with easements.

The acceptance of the proposed easement is supported by staff. Therefore Council's acceptance of the easement is recommended.

***SERVICE AND FINANCIAL OUTCOMES***

Not Applicable

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Infrastructure Development, Saint John Water, the City Solicitor's Office and Real Estate Services have reviewed this report and the proposed easement.

***ATTACHMENTS***

Subdivision Plan – Develop Saint John Inc. Subdivision