

## COUNCIL REPORT

M&C No.	2019-324
Report Date	November 21, 2019
Meeting Date	December 02, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Municipal Drainage Easement Acquisition - Lot D-6 Shoreline Drive, Highlands of Drury Cove Subdivision***

### ***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>Phil Ouellette</i></b> <b><i>Jacqueline Hamilton</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

The City acquire, from Drury Cove Developments Inc., a Municipal Drainage easement for \$1.00 generally in the location as depicted on the Subdivision Plan entitled The Highlands of Drury Cove Subdivision Lot D-6 and LPP-10 attached to M&C No. 2019-324, and that the Mayor and Common Clerk be authorized to execute the necessary documents.

### ***EXECUTIVE SUMMARY***

A Municipal Drainage Easement is required to provide the ability to flow storm water from the Public Street Right-of-Way to the Kennebecasis River. Municipal Drainage Easements require a grant of easement so a resolution of Council is required to effect the conveyance.

### ***PREVIOUS RESOLUTION***

On June 23, 2008, Common Council assented to the (then) Phase 12 of the Highlands of Drury Cove Subdivision, which included the creation of a number of residential lots, Lands for Public Purposes and a new street to be known as Shoreline Drive. The development of this phase of the subdivision has been proceeding in sub-phases since that time.

### ***STRATEGIC ALIGNMENT***

It is in the interest of The City of Saint John to obtain easements that protect the ability of the City's infrastructure and roadways to function to support the development and tax base growth within the City.

### ***REPORT***

The developer has submitted the attached subdivision plan for a further sub-phase, which would vest an additional section of lands for Public Purposes and create one additional lot, Lot D-6. The attached plan includes a Municipal Drainage Easement in favour of the City in the southwestern portion of lot D-6. This easement is necessary to provide the right to flow storm water over land from a low point in Shoreline Drive to the Kennebecasis River in conjunction with the overall storm water management system for the subdivision.

Unlike Municipal Services easements for piped services, which automatically vest in the City upon filing of the subdivision plan in the Registry Office, Municipal Drainage Easements must be acquired by a formal grant of easement document. As the original Council approvals with respect to the subdivision did not include acceptance of the subject easement, it is now necessary for Council to adopt a resolution authorizing its acceptance in order to effect the conveyance.

Staff note the easement to the east of the site, located on PID 55201248 was acquired as a Municipal Services Easement. As this does not specifically provide the right to flow surface water over these lands, City Staff will be initiating discussions with the adjacent landowner regarding the acquisition of the required rights.

### ***SERVICE AND FINANCIAL OUTCOMES***

Not Applicable

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

Infrastructure Development, Real Estate and the City Solicitor's Office have provided input into the report.

### ***ATTACHMENTS***

Attachment 1 - Subdivision Plan – The Highlands of Drury Cove Subdivision Lot D-6 & LPP