

Municipality Of Chatham-Kent
Infrastructure and Engineering Services
Public Works

To: Mayor and Members of Council
From: Ryan Brown
Director of Public Works
Date: May 12, 2021
Subject: Encroachment – Private Sanitary Forcemain – 24907 Winterline Road

Recommendations

It is recommended that:

1. The Director of Public Works be authorized to enter into an encroachment agreement, to be drafted and approved by the Director of Legal Services, for the installation of a privately owned sanitary forcemain on the municipal highway known as Winterline Road from 24907 Winter Line to Pain Court Line, legally described as parts of PIN 00779-0002 and PIN 00785-0139.
2. The attached by-law confirming the encroachment (Appendix B), be approved.

Background

Earlier this year, Administration received a request from the owner of the greenhouse Pier-C Produce Inc. to facilitate in the design and contract administration for the construction of a privately owned sanitary pump station and forcemain for the purposes of discharging their process water from vegetable washing into the municipal sanitary collection system. Administration, the Public Utilities Commission (PUC), and the owner have been working on the details of the design and agreement since.

The encroachment will extend approximately 3,300 metres over the municipal highway on Winterline Road.

Comments

In reviewing the encroachment described in Appendix A (attached), the installation of the sanitary forcemain will be located on the Municipal highway. An encroachment agreement is necessary since this infrastructure will encroach onto the municipal highway. All costs to keep and maintain the encroachment area in good repair will be the responsibility of Pier-C Produce Inc., and it has been confirmed by the Public Works Department that the encroachment will not obstruct the Municipality in maintaining the right-of-way.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

Consultation

The Engineering and Transportation Division and the Public Utilities Commission were consulted and are involved in overseeing the construction of the pump station and sanitary forcemain.

Legal Services has reviewed the encroachment by-law and found it acceptable. Legal Services will draft an encroachment agreement between the Municipality, the PUC and Pier-C Produce Inc.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Ryan Brown
Director, Public Works

Reviewed by:

Thomas Kelly, P.Eng., MBA
General Manager
Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

David Taylor
Director, Legal Services

Attachments: Appendix A: Site Plan drawings– 24907 Winterline Road
Appendix B: By-Law

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Forcemain 24907 Winterline Road.Docx

WINTERLINE PUMP STATION AND FORCEMAIN SERVICING 24907 WINTERLINE ROAD

COMMUNITY OF DOVER
TENDER NO. T20-377



KEY PLAN

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23\0220\20-1022\WINTER LINE PS FMR\DESIGN\20-1022 - BASE PLAN.DWG DATE/TIME: 2023/01/04 11:59 AM DRAWN BY: R.C.S. CHECKED BY: R.C.S. PROJECT NO.: 2018W2015 SHEET NO.: 1 OF: 1 SHEETS CONTRACT NO.: T20-377				<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>ISSUED FOR TENDER</th> <th>PROGRESS PLOT</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR TENDER</td> <td>RS</td> <td>2023.01.04</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>PROGRESS PLOT</td> <td>RS</td> <td>2023.01.13</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>PROGRESS PLOT</td> <td>RS</td> <td>2023.01.13</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td>SUBMITTED FOR TENDER</td> <td>RS</td> <td>2023.01.04</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE	ISSUED FOR TENDER	PROGRESS PLOT	REVISIONS	1	ISSUED FOR TENDER	RS	2023.01.04				2	PROGRESS PLOT	RS	2023.01.13				3	PROGRESS PLOT	RS	2023.01.13				4	SUBMITTED FOR TENDER	RS	2023.01.04				<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>ISSUED FOR TENDER</th> <th>PROGRESS PLOT</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR TENDER</td> <td>RS</td> <td>2023.01.04</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>PROGRESS PLOT</td> <td>RS</td> <td>2023.01.13</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>PROGRESS PLOT</td> <td>RS</td> <td>2023.01.13</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td>SUBMITTED FOR TENDER</td> <td>RS</td> <td>2023.01.04</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE	ISSUED FOR TENDER	PROGRESS PLOT	REVISIONS	1	ISSUED FOR TENDER	RS	2023.01.04				2	PROGRESS PLOT	RS	2023.01.13				3	PROGRESS PLOT	RS	2023.01.13				4	SUBMITTED FOR TENDER	RS	2023.01.04				WINTERLINE ROAD PUMP STATION AND FORCEMAIN SERVICING 2490 WINTERLINE ROAD COMMUNITY OF DOVER COVER SHEET
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BY-LAW NUMBER _____

OF THE CORPORATION OF THE
MUNICIPALITY OF CHATHAM-KENT

A By-law to permit the encroachment of sanitary forcemain located on the municipal highway on Winterline Road from 24907 Winterline Road to Pain Court Line (PIN 00779-0002 and PIN 00785-0139).

FINALLY PASSED THE ____ day of _____, 2021.

WHEREAS PIER-C HOLDINGS INC. and PIER-C PRODUCE INC. (the “Owner”) is the registered owner of 24907 Winterline Road, Chatham, Ontario N7M 5J8 in the Municipality of Chatham-Kent, PIN 00779-0074, legally described as PT LT 13 CON 6, DOVER PT 2 & 3 24R6145; CHATHAM-KENT (“the Owner’s Property”).

AND WHEREAS the Municipality is the registered owner of the municipal roadway Winterline Road being PINs 00779-0002 and 00785-0139 (the “Municipality’s Property”), which abuts the Owner’s Property.

AND WHEREAS the sanitary forcemain will cross under the municipal right-of-way which will encroach upon the Municipality’s Property. Said encroachment is depicted on Schedule B attached hereto (hereinafter referred to as the “Encroachment”).

AND WHEREAS the Owner has applied for permission to maintain the Encroachment.

BE IT THEREFORE ENACTED by the Council of the Corporation of the Municipality of Chatham-Kent as follows:

1. The Owner shall be entitled to maintain the Encroachment on the Municipality’s Property in accordance with the terms of the encroachment agreement between the parties.
2. That the permission granted by this By-law shall enure to the benefit of and the obligations resulting therefrom as herein set out to be binding upon the heirs, executors, administrators, successors and assigns of the Owner and of the Corporation of the Municipality of Chatham-Kent.
3. The Owner shall, as a condition of the granting of permission hereunder, enter into an Agreement with the Corporation, and the General Manager of

Infrastructure and Engineering Services is authorized to execute such Agreement.

5. This By-law affects the lands described in Schedule A annexed hereto.
6. This By-law shall come into force and effect upon being finally passed.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this ____ day of _____, 2021.

Mayor – Darrin Canniff

Clerk – Judy Smith

SCHEDULE A

PIN 00779-0002 being part Winterline Road Municipality of Chatham-Kent, legally described as FIRSTLY RDAL BTN LT 12 AND LT 13 CON 5 DOVER; RDAL BTN LT 12 AND LT 13 CON 6 DOVER; SECONDLY PT LT 12 CON 5 DOVER; PT LT 12 CON 6 DOVER; PT LT 13 CON 5 DOVER; PT LT 13 CON 6 DOVER PT 1-7 24R115 & AS IN 74864; AKA WINTER LINE; CHATHAM-KENT

PIN 00785-0139 being part of Winterline Road, Municipality of Chatham-Kent, legally described as FIRSTLY; RDAL BTN LT 12 AND LT 13 CON 3 DOVER; RDAL BTN LT 12 AND LT 13 CON 4 DOVER; SECONDLY; PT LT 12 CON 4 DOVER AS IN 80237 EXCEPT PT 3 - 5, 24R5792, BEING WINTER LINE RD AKA COUNTY RD 34 BTN PAINCOURT CREEK RD & MAPLE LINE RD; CHATHAM-KENT

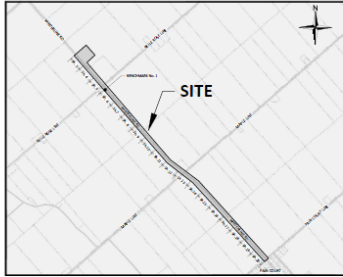
SCHEDULE B

WINTERLINE PUMP STATION AND FORCEMAIN SERVICING 24907 WINTERLINE ROAD

COMMUNITY OF DOVER
TENDER No. T20-377



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No.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES, EXISTING AND PROPOSED SYSTEMS & DETAILS
3	PUMP AND FORCEMAIN 1' INCH DIA. 24907 TO 24908
4	PUMP AND FORCEMAIN 2' INCH DIA. 24908 TO 24909
5	PUMP AND FORCEMAIN 3' INCH DIA. 24909 TO 24910
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8	PUMP AND FORCEMAIN 6' INCH DIA. 24912 TO 24913
9	PUMP AND FORCEMAIN 7' INCH DIA. 24913 TO 24914
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12	PUMP AND FORCEMAIN 10' INCH DIA. 24916 TO 24917
13	PUMP AND FORCEMAIN 11' INCH DIA. 24917 TO 24918
14	PUMP AND FORCEMAIN 12' INCH DIA. 24918 TO 24919
15	PUMP AND FORCEMAIN 13' INCH DIA. 24919 TO 24920
16	PUMP AND FORCEMAIN 14' INCH DIA. 24920 TO 24921
17	PUMP AND FORCEMAIN 15' INCH DIA. 24921 TO 24922
18	PUMP AND FORCEMAIN 16' INCH DIA. 24922 TO 24923
19	PUMP AND FORCEMAIN 17' INCH DIA. 24923 TO 24924
20	PUMP AND FORCEMAIN 18' INCH DIA. 24924 TO 24925



BENCHMARKS		
BM No.	DESCRIPTION	COORDINATES/ ELEVATION
1	2005 BENCHMARK (TOP OF OPERATING) 100'X100' CONCRETE PAVEMENT, 24907 WINTERLINE ROAD	ELEV. = 177.00

<p>APPROVALS</p> <p>DESIGNER</p>			<p>J.C. SPENCER ASSOCIATES INC. <small>1000 SHEPPARD AVENUE EAST, SUITE 100 SCARBOROUGH, ONTARIO M1B 3Y9 TEL: (416) 291-1100 FAX: (416) 291-1101 WWW: JCSA.COM</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">REV.</td> <td style="width: 30%;">DESCRIPTION</td> <td style="width: 10%;">DATE</td> <td style="width: 10%;">BY</td> <td style="width: 10%;">CHKD.</td> <td style="width: 10%;">APP'D.</td> </tr> <tr> <td>1</td> <td>ISSUE FOR TENDER</td> <td>2020-01-04</td> <td>MM</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>2</td> <td>ISSUED FOR CONSTRUCTION</td> <td>2020-01-04</td> <td>MM</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>3</td> <td>PROPOSED AS-BUILT</td> <td>2020-01-04</td> <td>MM</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>4</td> <td>PROPOSED AS-BUILT</td> <td>2020-01-04</td> <td>MM</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>5</td> <td>REVISION</td> <td>2020-01-04</td> <td>MM</td> <td>MM</td> <td>MM</td> </tr> </table>	REV.	DESCRIPTION	DATE	BY	CHKD.	APP'D.	1	ISSUE FOR TENDER	2020-01-04	MM	MM	MM	2	ISSUED FOR CONSTRUCTION	2020-01-04	MM	MM	MM	3	PROPOSED AS-BUILT	2020-01-04	MM	MM	MM	4	PROPOSED AS-BUILT	2020-01-04	MM	MM	MM	5	REVISION	2020-01-04	MM	MM	MM	<p>PROJECT</p> <p>WINTERLINE ROAD PUMP STATION AND FORCEMAIN SERVICING 24907 WINTERLINE ROAD COMMUNITY OF DOVER</p> <p>COVER SHEET</p>	<p>CLIENT</p> <p>20-0022</p> <p>PROJECT</p> <p>ZOENGC2015</p> <p>SCALE</p> <p>1" = 100'</p> <p>TENDER</p> <p>T20-377</p>
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