

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 09-99-03212-001
Your File/V/Réf.

DATE 23 May 2000

TO/DEST. Co-ordinator
 Corporate Services and Economic Development Committee

FROM/EXP. Commissioner, Planning and Development Approvals Department

SUBJECT/OBJET **COVENANT RELEASE HUNT CLUB ROAD**

DEPARTMENTAL RECOMMENDATION

That the Corporate Services and Economic Development Committee approve the payment of compensation to 1374924 Ontario Inc., for a release of covenant related to access from land owned by 1374924 Ontario Inc. located in Lot 28, Concession A, RF in the City of Nepean, to Hunt Club Road, for the amount of \$200,000.

BACKGROUND

Regional Council at its meeting of February 15th, 1984 gave approval to proceed with the acquisition of property required for the Hunt Club Road Extension. This included bridge construction over the Canadian National Railway Lines located in Lot 28, Concession A, City of Nepean. On February 26th, 1992 Regional Council approved a partial taking of 7,129 m² of land from Irving Industries Ltd., located between the two branches of the CN line, on the east side of Hunt Club Road. In addition, there is a covenant for the benefit of the remaining land which states that "Access will be granted to Hunt Club Road. The location and type of access granted will be dependent upon the proposed use of the property and the Municipal regulations and policies in effect at the time application for access is made". It is the covenant which is the subject of this report

DISCUSSION

Irving Industries sold their land to 1374924 Ontario Inc on January 10th, 2000. Prior to the sale the prospective purchasers met with Regional staff to review the covenant and how it might be implemented.

A number of options were considered including:

1. Provide an access to the land directly from Hunt Club Road, approximately 100 meters north of the northerly edge of the Hunt Club Road/CNR bridge abutment. While it was thought at the time the agreement was struck that this was a viable option, it is now evident that safety would be compromised if this were to be permitted. This option is not considered feasible due to the proximity of the proposed entrance to the edge of the bridge abutment. The Transportation Department advised that there was insufficient distance between the bridge abutment and the limit of the owner's frontage for an adequate deceleration lane for a site access. If a direct access to the site was permitted in this location, the overpass structure would have to be modified or the access removed if/when Hunt Club Road was widened to six lanes. This option was discarded.
2. Provide an indirect access to the lands from Bentley Avenue, under the Hunt Club Road bridge and across lands owned by The City of Nepean and Canadian National Railway. This solution does not satisfy the covenant in that it will not provide direct access to Hunt Club Road and traffic to and from the site will be circuitous. In addition, there are land rights (Nepean and CNR) as well as physical restraints (bridge structure, storm water retention pond partial relocation) that significantly impact this both from a design and cost point of view. This option was discarded.
3. Staff negotiate with the adjacent owner Trans-Northern Pipelines Inc., to purchase its lands and then transfer these lands to 1374924 Ontario Inc., thereby providing the lands required to construct an entrance to Hunt Club Road west of the site and opposite the existing entrance to the Coastal Energy property, which is located approximately 0.5 km west of the bridge. While this proposed access location was considered the most appropriate solution, it was felt that the Region should not assume responsibility for potentially protracted negotiations with the owner to the west. This option is possible.
4. Negotiate with the principals of 1374924 Ontario Inc. for the payment of compensation as a contribution to the cost of securing an access opposite the existing entrance to Coastal Energy, subject to the owner negotiating a deal with Trans-Northern Pipelines Inc., to purchase the property. Upon payment of such funds, the Region would receive a release from the covenant. This option is possible.

Staff from Environment and Transportation, Legal and Planning and Development Approvals Departments reviewed this matter and were of the opinion that the safest location for an entrance and the only solution which would satisfy the covenant, was to secure access opposite the Coastal Energy entrance. Options #3 and #4 meet this objective. Option #4 is in our view, the preferred option. Accordingly, the owners of 1374924 Ontario Inc. have entered into an agreement to purchase the adjacent lands from Trans-Northern Pipelines Inc., for the sum of \$345,000 plus related costs. The cost of constructing the entrance are over and above this amount and will be borne by 1374924 Ontario Inc..

Staff has negotiated an agreement with 1374924 Ontario Inc., in the amount of \$200,000.00, being the Region's contribution to the cost of securing the adjacent lands and constructing an entrance opposite Coastal Energy. In return, the owner has agreed to provide the Region with a release of the covenant. The \$200,000 is to be paid to 1374924 Ontario Inc., on the date of closing of the purchase of the adjacent lands from Trans-Northern Pipelines Inc..

This settlement will result in the elimination of a liability to the Region in terms of the provision of safe access to this property. It will as well, provide a safe means of access to an industrial parcel of land containing approximately 4.645 ha. which might otherwise have been extremely difficult to develop.

PUBLIC CONSULTATION

The Hunt Club Road Extension and the need to acquire property was originally discussed in the Environmental Report for the project. No further consultation is considered necessary.

NEW CITY IMPACT - TRANSITION BOARD APPROVAL

The agreement negotiated will allow for the development of a parcel of land which will ultimately provide municipal tax revenues to the New City. In accordance with Ottawa Transition Board Regulation 100/2000 - Section 4, Guidelines - Financial Guideline No. 1 Section 5.2 (e) this agreement requires the approval of the Transition Board. Funds are available in the Alta Vista Cleanup Account, internal order 900102.

EXPENDITURE JUSTIFICATION

The covenant contained in the Land Acquisition Agreement, approved February 26th, 1992, placed an onus on the Region to provide an access. The agreement fulfils this outstanding legal commitment by the Region.

FINANCIAL STATEMENT AND APPROVAL

	<u>900102</u>
Approved Budget to Date	\$ 2,379,424
Total Paid and Committed	<u>(1,588,763)</u>
Balance Available	790,661
THIS REQUEST	<u>(200,000)</u>
Balance Remaining	\$ 590,661

The Hunt Club Road extension project (912-30610) was closed in 1998. Staff has identified surplus funds in the Alta Vista Cleanup account, internal order No. 900102 (Manual funds reservation No. 35).

CONCLUSION

Negotiations with 1374924 Ontario Inc., resulted in an agreement being reached in the amount of \$200,000.00 for compensation as a contribution towards establishing an entrance opposite the Coastal Energy property. This will provide a release of the covenant which was contained in both the approved Land Acquisition Agreement and the registered transfer deed. The approval is hereby recommended as outlined above.

Approved by Nick Tunnacliffe, MCIP, RPP

Date: May 23, 3000

ANNEX "A"



KEYPLAN
SCALE 1:30000



COLONNADE ROAD SOUTH

CANADIAN NATIONAL RAILWAY
CANADIAN PACIFIC RAILWAY

P.I.N. 04052-0501

TRANS-NORTHERN PIPELINES INC. (IN TRUST)
P.I.N. 04052-0435
AREA=2.822 HA.
RECOMMENDED ENTRANCE

WEST HUNT CLUB ROAD

1374924 ONTARIO INC
P.I.N. 04052-0436
AREA=4.615 HA.

P.I.N. 04052-0442

TRANS-NORTHERN PIPELINES INC. (IN TRUST)
P.I.N. 04628-0014
AREA=4.42 HA.

COASTAL ENERGIES

EDGE OF
BRIDGE ABUTMENT

CANADIAN NATIONAL RAILWAY

THE CITY OF NEPEAN
P.I.N. 04628-0082

RIDEAU HEIGHTS DRIVE

PRINCE OF WALES DRIVE

BENTLEY AVENUE

P.I.N. 04628-0120

(OLD HIGHWAY 16)

RIDEAU RIVER

FORMER IRVING INDUSTRIES PROPERTY

REGION OF OTTAWA-CARLETON
INFORMATION TECHNOLOGY OFFICE

OWNER	AS NOTED	AREA	AS NOTED
SCALE	1:5000 METRIC	DATE	MAY 16, 2000
		FILE	09-99-033212-001

BRANCH	SURVEYS & MAPPING	4145.dgn
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