



Council Report

Report Number:	RS2024-031
Meeting Date:	July 23, 2024
Title:	Request for Easement over a Portion of Auden Park and Block 117 Plan 57M-812 – Hydro One Networks Inc.
Description:	Request for an Easement over a Portion of Auden Park and Block 117 on Plan 57M-812 to Facilitate Development in Sugarwood Subdivision
Author and Title:	Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2024-031, **Request for Easement over a Portion of Auden Park and Block 117 Plan 57M-812 – Hydro One Networks Inc.**, be received;

That a Grant of Easement in favour of Hydro One Networks Inc. over a portion of the City-owned properties legally described as Block 40 on Plan 624; Part of the East 1/2 of Lot 22 Concession 4 Ops Part 1 on Plan 57R-1842; Subject to R117967; Kawartha Lakes (PIN: 63204-0533 (LT)) and Block 117, Plan 57M-812; Subject to an Easement as in R173983E; City of Kawartha Lakes (PIN: 63204-0967 (LT)) be supported, in principle;

That the Grant of Easement further include a condition that Hydro One Networks Inc. consent to the dismissal of the existing easement, registered on the title of the subject property;

That a by-law (with any amendments deemed necessary) to authorize the Grant of Easement shall be passed, if appropriate; and

That the Mayor and Clerk be authorized to sign all documents required to facilitate registration of the Grant of Easement.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Realty Services division received a request from Hydro One Networks Inc. (hereinafter referred to as "Hydro One") for an easement required to relocate existing hydro poles from the current location, partially within private property (which will form part of the Sugarwood Subdivision) and partially within the City-owned property known as Auden Park. The hydro line is being proposed to be relocated to the City-owned property legally described as Block 117, Plan 57M-812; Subject to an Easement as in R173983E; City of Kawartha Lakes (PIN: 63204-0967 (LT)) and to a different location within Auden Park, which is legally described as Block 40 on Plan 624; Part of the East 1/2 of Lot 22 Concession 4 Ops Part 1 on Plan 57R-1842; Subject to R117967; Kawartha Lakes (PIN: 63204-0533 (LT)). The relocation was requested by Hydro One Networks Inc. in order to accommodate approved development within the Sugarwood Subdivision.

The proposed relocation of the infrastructure through Auden Park converts an overhead wire bisecting the western section of the park (orange line, Appendix B) to an underground location bisecting the park on a diagonal (red line, Appendix B).

The purpose of this report is to seek instruction from Council with respect to the proposed grant of easement.

Rationale:

The proposed hydro line relocation is in order to accommodate the City-approved development of the Sugarwood Subdivision – Phase 3. Hydro One's sketch of the proposed relocation is attached as Appendix A. A colour coded map of the proposal is attached as Appendix B.

The proposed location of above-ground poles and associated cables within Block 117 on Plan 57M-812 has been reviewed by the Director of Engineering and Corporate Assets and was confirmed to be an acceptable location, with no interference to the City's existing infrastructure (sewer main and stormwater main) located therein.

There are currently above-ground poles and associated cables running along the western portion of Auden Park. The property is already subject to an easement for this infrastructure as per Registered Instrument R117967, a copy of which is attached as Appendix C. Hydro One's relocation proposal would involve the above-ground infrastructure being converted to buried cables and relocated through the centre of Auden Park.

The proposal was reviewed by the Director of Community Services and there were no objections, as it was noted that Auden Park has no City infrastructure located thereon and no plans to develop the park beyond potentially installing soccer nets and possibly allowing soccer programs to run at that location.

While the proposed relocation of infrastructure through Auden Park poses no interference to the park in its current state (as the park has no structures located thereon), the proposal does restrict the City from future development of the park (i.e. installing playground equipment, storage buildings, washrooms, etc.). Further, if the park were to become surplus to the City's needs in the future, it would have limited sale potential, as the hydro infrastructure through the centre of the property would restrict development of a residential building. However, the current alignment is equally problematic.

Staff suggested that Hydro One consider relocating the buried cable to the edge of the Auden Park property. Staff were of the opinion that this would allow for more development potential, either for future development of the park or private development if the City were to sell the property at a future date.

Hydro One advised that they would be unable to go around the edge of the park due to the number of bends and total conductor length which would be required for this trenching route. Further, due to the width of the easement which would be required, Hydro One would only be able to shift the location of this trench approximately 1.8 metres to the east before it would come in conflict with adjacent properties.

Another option available to Hydro One is to redesign its proposal so that it runs entirely within existing road allowances from the north end and the south end of the park, so as to avoid the park entirely. A map of a potential alternate route is attached as Appendix D. Accordingly, the City Solicitor has suggested requiring the easement be subject to a condition that Hydro One be required to relocate their infrastructure off of Auden Park within a one-year period and entirely at Hydro One's expense, should the City decide to sell the park, or require same for redevelopment of the park in the future. Hydro One has indicated that they are not agreeable to this condition for technical reasons, and if the proposed easement through Auden Park cannot be granted without condition, the infrastructure will remain in its current overhead location at the westerly section of Auden Park. The hydro line would remain overhead through the Sugarwood development in an approved roadway (as opposed to being consolidated with the existing overhead infrastructure along Elgin Street). The proposed realignment is a preferable alignment from this perspective.

Should the City grant Hydro One an easement down the centre of the park, Hydro One will no longer require the existing easement (registered as R117967) and this should be deleted from title. Accordingly, the recommendation above takes this into account.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Ensure municipal assets are well maintained and well managed
- A Vibrant and Growing Economy
 - Provide and advocate for enhancement and expansion of critical support infrastructure to serve current and future residents

Financial/Operation Impacts:

None. All costs related to this transaction will be the sole responsibility of Hydro One Networks Inc.

Consultations:

City Solicitor
Director of Engineering and Corporate Assets
Director of Community Services

Attachments:

Appendix A – Hydro One Sketch (Proposed Hydro Line Relocation)



Appendix A - Hydro
One Sketch (Proposi

Appendix B – Colour Coded Map (Proposed Hydro Line Relocation)



Appendix B -
Colour Coded Map (

Appendix C – Registered Instrument R117967



Appendix C -
Registered Instrume

Appendix D – Map of Potential Alternate Route (Utilizing Roadways)



Appendix D - Map
(Potential Alternate

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