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**Date:** July 10, 2018  
**To:** Mayor and Council  
**Author:** G.A. Plancke – Director of Municipal Services  
**RE:** Road Use Encroachment Agreement – Mastron Enterprises Inc.  
**Report No.:** MS 2018 - 26

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## **AIM**

To inform and recommend to council that the Town enter into a Road Use Encroachment Agreement with Mastron Enterprises Inc. for the purpose of constructing, and maintaining a Private Sewage Line within Town road allowances to service Mastron Enterprises Inc. located at 2100 Road 4 E (CR 18) , and to recommend that the Town enter into an Agreement with the Province of Ontario for permission to cross the Kings Hwy # 3 road allowance for the purpose of placing infrastructure.

## **BACKGROUND**

The owners of Mastron Enterprises Inc. retained N.J. Peralta Engineering to design and draft plans for a new Private Sewage Line to support their current and planned expansion to their operation as part of their amended site plan. (See attached plan E17-104).

Their intention is to run two (2) 3" (75mmm) sewage force mains from their site westerly along Road 4 E turning south through the Town easement, under Hwy # 3 to Spinks Dr. then heading west on Road 3 E to the intersection of Road 3 E and Dimar Dr. where the force mains will connect to the top end of the municipal sanitary sewer system. A running distance of approximately 2800m.

## **DISCUSSION**

Mastron Enterprises is currently dealing with a significant sewage capacity issue. Their combined septic systems are operating well beyond design capacity and have been advised by the M.O.E.C.C. to prepare a mitigation strategy as they are operating outside of their current Environmental Compliance Approval (ECA). They have explored various options for onsite treatment, and have concluded that pumping their sewage into the Town sanitary sewer system is the most practical and cost effective strategy in order to comply with provincial regulation. In order to facilitate, and accommodate a new Private Sewage Line within the municipal road allowance, a Road Use Encroachment Agreement is required between the Town and Mastron Enterprises Inc. in order to place private infrastructure within the public (Town) road allowance.

Additionally, because the proposed running line crosses beneath Kings Hwy # 3, a separate Agreement between the Town of Kingsville and the Province of Ontario is required in order for private infrastructure to cross under the Provincial road allowance. The Province will only enter into such agreements with lower tier public organizations and will not entertain an Agreement with a private party.

Municipal Services in conjunction with Corporate Services has drafted a Road Use Encroachment Agreement to the benefit of Mastron Enterprises Inc. (See attached Road Use Encroachment Agreement). Incorporating the use of Town road allowances It has been vetted through Mastron Enterprises Inc without comment or revision. They are anxious to proceed as stipulated.

The Province of Ontario has also prepared an Agreement, which provides authorization for the Town to place infrastructure under and across the Provincial road allowance, which in turn provides the municipality the option to permit private infrastructure within the Provincial road allowance under the provision that the municipality is ultimately responsible. (See attached Agreement CM18 001) This agreement is required to be executed prior to the issuance of an MTO Encroachment Permit, which is considered permission to proceed to construct within the provincial road allowance.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

To become a leader in sustainable infrastructure renewal and development.

## **FINANCIAL CONSIDERATIONS**

No financial impact to the Town at this time.

## **CONSULTATIONS**

Municipal Services  
Corporate Services  
N.J. Peralta Engineering  
MTO - West Region - Highway Corridor Management

## **RECOMMENDATION**

That Council enters into a Road Use Agreement with Mastron Enterprises Inc. for the construction, maintenance, and operation of a Private Sewage Line within the Town road allowance as stipulated in the conditions listed within the document titled Road Use Encroachment Agreement between the Corporation of the Town of Kingsville, and Mastron Enterprises Inc. and further that;

Council direct the Mayor and Clerk to bind the Corporation of the Town of Kingsville with respect to this agreement, and further that;

Council direct the Mayor and Clerk to bind the Corporation of the Town of Kingsville with respect to Provincial Agreement CM18 0001 in order for private infrastructure to cross under Kings Hwy # 3 pursuant to permission granted within to the benefit of the Corporation of the Town of Kingsville; and,

That Council direct the Mayor and Clerk to execute said Agreements and adopt the applicable authorizing by-laws.

Respectfully Submitted,

*G.A. Plancke*

G.A. Plancke Civil Eng. Tech ( Env)  
Director of Municipal Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer