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**Date:** August 6, 2020  
**To:** Mayor and Council  
**Author:** G.A. Plancke / Director of Municipal Services  
**RE:** Road Use Encroachment Agreement – Red Sun Farms Ontario Limited.  
**Report No.:** MS 2020-36

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## **AIM**

To inform and recommend to Council that the Town enter into a Road Use Encroachment Agreement with Red Sun Farms Ontario Limited, for the purpose of constructing, and maintaining a Private Sewage Line within Town road allowances to service Red Sun Farms Ontario Limited. located at 1233 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 Red Sun Farms Ontario Limited retained Dillon Consulting to design and draft plans for a new Private Sewage Line to support their greenhouse development as part of their amended site plan. (See attached plan 18-6970).

Their intention is to construct a private sewer system to service two separate properties, then pump that sewage through two (2) 4" (100mm) sewage force mains from their site southerly, through an easement across private lands, and under Hwy # 3 though another easement across private lands to Road 3 E. where the force mains will connect to the top end of the municipal sanitary sewer system within the Town Right of Way (R.O.W.). A running distance of approximately 1000m.

## **DISCUSSION**

Red Suns Farms Ontario Limited is a new greenhouse development located on the northwest corner of Road 4 E (CR18) and the Graham Sideroad.

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 allowances, a Road Use Encroachment Agreement is required between the Town and Red Sun Farms Ontario Limited 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 Red Sun Farms Ontario Limited. (See attached Road Use Encroachment Agreement). Incorporating the use of Town road allowances It has been vetted through Red Sun Farms Ontario Limited 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 CM20 0006) 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.

Red Sun Farms is to supply a separate \$25,000 security for each of the three (3) road crossings. A total of \$75,000 is to be collected as security as per this agreement.

## **CONSULTATIONS**

Municipal Services

Corporate Services

Development & Planning Services

Administration Management Group

Dillon Consulting

Red Sun Farms Ontario Limited

MTO - West Region - Highway Corridor Management

## RECOMMENDATION

That Council enters into a Road Use Agreement with Red Sun Farms Ontario Limited for the construction, maintenance, and operation of a Private Sewage Line within the Town road allowances as stipulated in the conditions listed within the document titled Road Use Encroachment Agreement between the Corporation of the Town of Kingsville, and Red Sun Farms Ontario Limited. and,

Further That Council enter into an Agreement with the Her Majesty The Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario (Reference No. CM20 0006) in order for private infrastructure to cross under Kings Hwy # 3; and,

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

*G.A. Plancke*

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Director of Municipal Services