



City of Richmond

Report to Committee

To: Public Works and Transportation Committee

Date: April 26, 2012

From: John Irving, P.Eng. MPA
Director, Engineering

File: 10-6340-01/2012-Vol
01

Re: Permits for City Pump Stations

Staff Recommendation

That the Chief Administrative Officer and the General Manager, Engineering and Public Works be authorized to sign Vancouver Fraser Port Authority (Port Metro Vancouver) Permits in the format shown in Attachment 1 as needed for the construction and operation of current and future City pump stations.

John Irving, P.Eng. MPA
Director, Engineering
(604-276-4140)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER
Law	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO

Staff Report

Origin

The City operates 38 drainage pump stations that discharge Richmond's storm water into the Fraser River and Sturgeon Bank. As these stations are upgraded to meet future needs, some of the upgraded stations may encroach into Crown land and require agreements with the relevant authorities.

The purpose of this report is to seek authorization for the Chief Administrative Officer and the General Manager, Engineering and Public Works to sign Port Metro Vancouver Permits related to the construction and operation of City pump stations.

Analysis

Various pump stations in the City are being upgraded to meet the 2041 OCP requirements as they near the end of their service life. As part of these projects, the section of dike adjacent to each pump station is being raised in accordance with the current provincial guidelines. The combination of increased pumping capacity and raising the dike results in a larger overall footprint for the final works. In some locations, this can cause some of the pump station structure to extend into Crown land beyond the dike.

The Vancouver Fraser Port Authority (Port Metro Vancouver) currently holds head leases from the Ministry of Transportation and Infrastructure (MOTI) for the North Arm and Lower Main Arm. These parties are currently negotiating a new head lease that will require approval from the federal Minister of Transport. Until this new head lease is finalized, the Port will require execution of a yearly Release of Liability and Indemnity and Permit ("Permit") to allow for construction and operation of works within the head lease area. Due to the indemnity clause contained in this Permit, Staff require Council approval to enter into these agreements.

Currently, a Permit is required for the No. 4 Road Drainage Pump Station only (Attachment 1). However, additional Permits may be required on future stations.

Once the new head lease between the Port and MOTI is finalized, the Port and City will negotiate a sub-lease agreement that will be brought forward to Council for approval.

Financial Impact

None at this time.

The current yearly Permit cost for the No. 4 Road Drainage Pump Station is \$1,575 and was included in the 2008 Capital Submission Operating Budget Impact (OBI). Annual costs for future pump stations that encroach into Crown land are anticipated to be similar and will be included in the relevant Capital Submission.

Conclusion

The City's drainage pump stations are essential to prevent flooding in Richmond. Over time, the capacity of the system will be increased to meet OCP projections. Additional space outside the dike will be required in some locations to accommodate larger pump stations and a higher dike. To obtain this space, agreements will be required with the relevant authorities.

A handwritten signature in purple ink, appearing to be 'Milton Chan', with a long horizontal flourish extending to the right.

Milton Chan, P.Eng.
Senior Project Engineer
(604-276-4377)

MC : mc

NO. RIG609-10109P-003

RELEASE OF LIABILITY AND INDEMNITY AND PERMIT

VANCOUVER FRASER PORT AUTHORITY

TO

CITY OF RICHMOND

DATED: As of January 1, 2012

AUTHORITY: Submission No. RE195-12 dated March 5, 2012 and approved March 6, 2012

REFERENCE: Certain waterlot area, labelled Parcel "A" of some 61 square metres, more or less, fronting No 4 Road, Sections 14, 15, 22 and 23, Block 5 North, Range 6 West, New Westminster District, City of Richmond, Province of British Columbia

LOCATION: Foot of No. 4 Road and River Road, City of Richmond, Province of British Columbia

**RELEASE OF LIABILITY AND INDEMNITY AND PERMIT ("Permit")
(No. 4 Road Pump Station)**

In consideration of Vancouver Fraser Port Authority ("VFPA") permitting the City of Richmond and its servants, agents and contractors (the "City"), to enter those properties owned by Her Majesty the Queen in Right of Canada and managed by VFPA labelled "PCL 'A'" on Sketch Plan S2010-196 dated October 26, 2010 (attached hereto as Schedule "A"), (the "VFPA Parcel") for the sole purpose of operating, maintaining and repairing a viewing platform, steel pipes, three (3) storm water discharge pipes and a concrete headwall in the vicinity of No. 4 Road and River Road, Richmond, Province of British Columbia (hereinafter referred to as the "Pump Station Works"), the City hereby releases and forever discharges VFPA, its servants and agents, from any and all claims, demands, actions, suits or other proceedings which the City may have in any manner whatsoever on the VFPA Parcel, including any claims or demands for loss of or damage to machines or other equipment brought upon the VFPA Parcel or injuries or death to persons on the VFPA Parcel, pursuant to this permission, except only to the extent that such loss, damage, or injury or death is caused by the willful misconduct or negligence of VFPA.

In further consideration of the said permission, the City hereby covenants to indemnify and save harmless VFPA from any and all expenses, costs, claims, demands, actions, suits or other proceedings arising out of the said permission, except only to the extent caused by the willful misconduct or negligence of VFPA. Without limiting the generality of the foregoing such indemnity shall include all expenses, costs, claims, demands or actions, arising out of injury or death to persons who gain access to the VFPA Parcel as a result of said permission.

Claims referred to herein shall include any awards made against VFPA under any statute for the protection of workmen.

The City agrees to comply with all applicable laws, regulations and environmental conditions respecting the City's use and construction activities on or about the VFPA Parcel. The City further agrees not to bring any hazardous substance onto the VFPA Parcel.

The parties agree that while it is their intention to enter into a longer term tenure agreement regarding the Pump Station Works, should such agreement for whatever reason not be entered into by the time this Permit expires, the City agrees that it shall remove the Pump Station Works and restore the VFPA Parcel to its original condition at its sole cost and expense no later than nine (9) months after expiration of the Permit. Notwithstanding any prior discussions between the parties, the VFPA shall in no way be bound to enter into any further agreement permitting the use and occupancy of the VFPA Parcel by the City.

In consideration of granting consent for the use and access of the VFPA Parcel, the City agrees to pay unto VFPA the sum of ONE THOUSAND FIVE HUNDRED AND SEVENTY FIVE DOLLARS (\$1,575.00) for the period representing January 1, 2012 to December 31, 2012. Such payment is to be remitted to VFPA in advance on or before the commencement date.

THIS PERMIT EXPIRES AT 24:00 HOURS ON December 31, 2012.

DATED THIS ___ DAY OF _____, 2012.

VANCOUVER FRASER PORT AUTHORITY

CITY OF RICHMOND

Manager, Real Estate

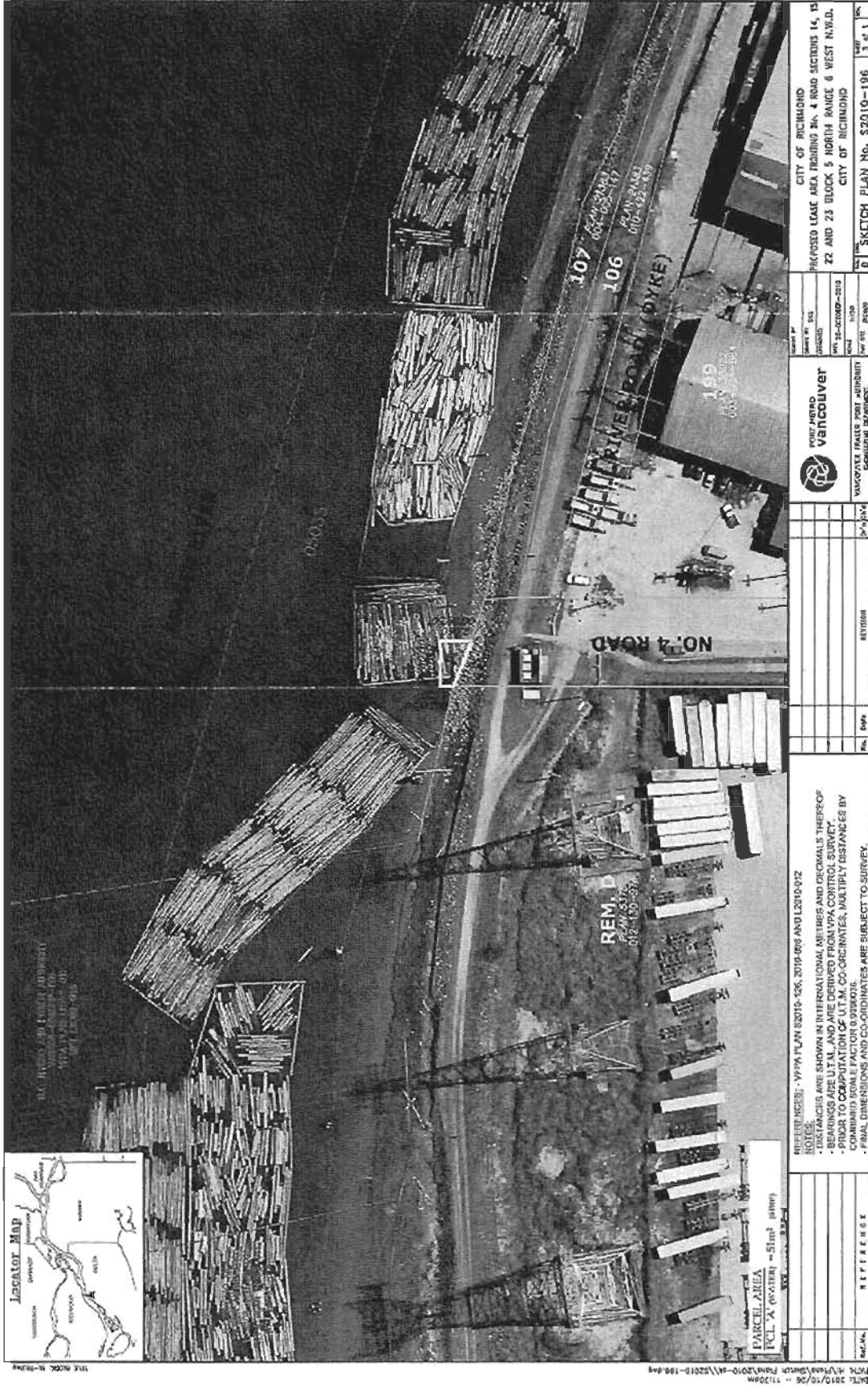
Print Title: _____

Corporate Secretary

Print Title: _____

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-RELEASE & INDEMNITY - CITY OF RICHMOND





<p>DATE: 2012/02/26 -- 11:20AM FILE: H:\Plans\Bldg\Plan\2010-11\2011-190.dwg</p>		<p>PROJECT: YVPA PLAN 2010-106, 2010-105 AND L210-D72</p>	
<p>REVISIONS:</p>		<p>NOTES:</p> <ul style="list-style-type: none"> - DISTANCES ARE SHOWN IN INTERNATIONAL METRES AND DECIMALS THEREOF - BEARINGS ARE U.T.M. AND ARE DERIVED FROM NPA CONTROL SURVEY. - PRIOR TO COMPUTATION OF U.T.M. CO-ORDINATES, MULTIPLY DISTANCES BY COMBINED SCALE FACTOR 0.998036. - FINAL DIMENSIONS AND CO-ORDINATES ARE SUBJECT TO SURVEY. 	
<p>Parcel No.</p>	<p>REVISION</p>	<p>DATE</p>	<p>BY</p>
<p>PARCEL AREA ICL A (partial) - Stage 1 plan</p>			
<p>PROJECT: YVPA PLAN 2010-106, 2010-105 AND L210-D72</p>			
<p>CITY OF RICHMOND PROPOSED LEASE AREA TRADING Bldg. 4 ROAD SECTIONS 14, 15 Z2 AND 23 BLOCK 5 NORTH RANGE 8 WEST N.W.D. CITY OF RICHMOND</p>			
<p>SKETCH PLAN No. S2010-196</p>			
<p>DATE: 2010-02-26 11:20 AM FILE: H:\Plans\Bldg\Plan\2010-11\2011-190.dwg</p>			