




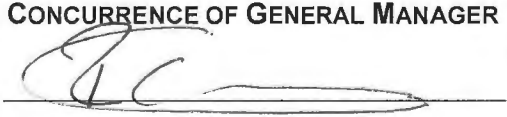

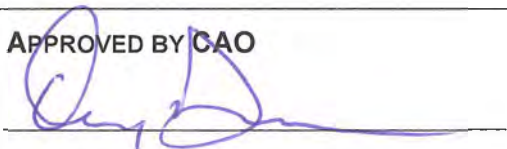
**To:** Planning Committee **Date:** November 19, 2015  
**From:** John Irving, P.Eng. MPA **File:** 10-6060-01/2015-Vol  
 Director, Engineering 01  
**Re:** **Alexandra Road Undergrounding Works Agreement**

**Staff Recommendation**

That the Chief Administrative Officer and General Manager, Engineering and Public Works, be authorized on behalf of the City to enter into one or more agreements with each of Polygon Jayden Mews Homes Ltd. (or a related company), Am-Pri Developments (2012) Ltd., 0846930 BC Ltd., British Columbia Hydro and Power Authority, Telus Communications Inc. and Shaw Cablesystems Limited, as required to facilitate the undergrounding of BC Hydro, Telus and Shaw infrastructure on Alexandra Road as described in the report from the Director, Engineering, dated November 19, 2015.

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

Att. 2

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Finance Department	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
Development Applications	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO 

## Staff Report

### Origin

Through rezoning, three separate developers are required to underground BC Hydro, Telus and Shaw infrastructure along their Alexandra Road frontages. As the developments are progressing simultaneously, the developers have asked to enter into legal agreements with the City whereby they provide full funding to the City to facilitate this work. This report requests authority to enter into those agreements.

### Analysis

Polygon Jayden Mews Homes Ltd., Am-Pri Developments and 0846930 BC Ltd. (Rick Sian) are simultaneously constructing townhouse developments on their respective properties, civic addresses: 9728 Alexandra Road, 9680 Alexandra Road and 9560 Alexandra Road. Through their rezoning, each developer is required to underground BC Hydro, Telus and Shaw infrastructure along their Alexandra Road frontages. Attachment 1 is a key plan showing each development's location and the work scope.

The developers, in consultation with BC Hydro, have determined that the most effective and efficient way to complete the work is via a consolidated project. BC Hydro has indicated that it will only accept a request to complete undergrounding works from a single organization. During discussions with staff, the developers requested that on their behalf the City request BC Hydro, Telus and Shaw to design and construct the works. The developers will fully fund the works and enter into separate legal agreements with the City to allow the City to cause BC Hydro, Telus and Shaw to install the works. The works' cost will be proportional to each developer's frontage length. Attachment 2 is a schedule of the proposed material terms that will be included within the agreements.

Agreement terms will require each developer to pay additional monies should cost overruns occur. Any surplus funds would be returned to each developer in the same proportion that it was provided.

The estimated design and construction value of the works is \$700,000: Sian (\$88,000), Am-Pri (\$437,000) and Polygon (\$175,000).

The scope of work does not include the undergrounding work in front of 9800 and 9820 Alexandra Road as this work will be incorporated into the future servicing agreement requirements for these lands if and when they rezone to higher density, in keeping with the Area Plan.

The scope of work being proposed includes undergrounding the works along the City's greenway that begins at May Drive and extends east along the frontage of properties 9560 and 9680 Alexandra Road.

### **Financial Impact**

None. All works will be fully funded by developers. The City will collect the required monies from the developers and pay out the monies to BC Hydro, Telus and Shaw pursuant to the various agreements with the developers.

### **Conclusion**

Polygon Jayden Mews Homes Ltd. (or a related company), Am-Pri Developments and 0846930 BC Ltd. (Rick Sian) have requested they enter into legal agreements with the City to facilitate BC Hydro, Telus and Shaw undergrounding along the frontage of their Alexandra Road developments. Staff agree that this is in the City's best interests and provides an efficient and effective method of achieving the undergrounding work. Works will be fully funded by the developers with zero cost to the City.

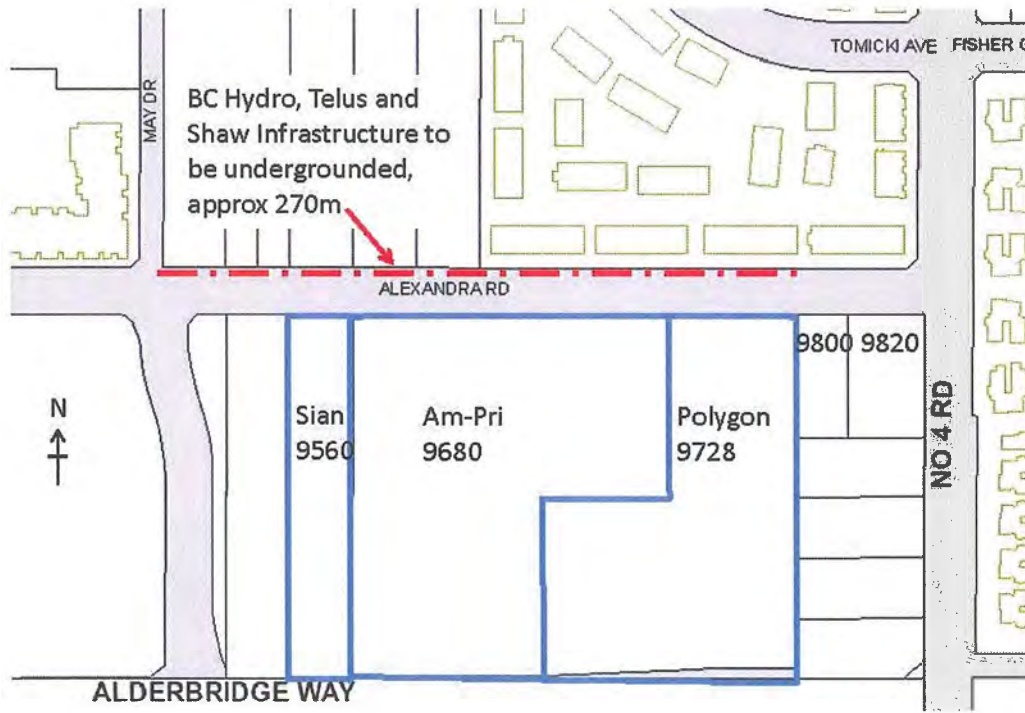


Lloyd Bie, P.Eng.  
Manager, Engineering Planning  
(604-276-4075)

LB:ab

- Att. 1: BC Hydro/Telus/Shaw Undergrounding Location Key Plan
- Att. 2: Schedule of Proposed Material Terms of Legal Agreements

Attachment 1 – Key Plan



Developer	Frontage Length %
Sian (0846930 B.C. LTD.,)	13
Am-Pri (AM-PRI DEVELOPMENTS (2012) LTD.)	62
Polygon (POLYGON JAYDEN MEWS HOMES LTD.)	25

## **Attachment 2 – Schedule of Proposed Material Terms of Legal Agreements**

### **1. The Three Sites:**

- a. **9728 Alexandra Road** (formerly owned by Polygon Jayden Mews Homes Ltd., now stratified)

Legally known and described as:

Common Property Strata Plan EPS967

*Note: currently has SRWs in favour of BC Hydro, Telus and Shaw*

Related servicing agreement dated Nov 24, 2014 under application number SA14-670187

- b. **9680 Alexandra Road**

Legally known and described as:

PID 029 577 241  
Lot A Section 34 Block 5 North  
Range 6 West NWD Plan EPP43923

Registered Owner: Am-Pri Developments (2012) Ltd.

*Note: currently has SRWs in favour of BC Hydro and Telus*

Related servicing agreement dated May 21, 2015 under application number SA14-665440

- c. **9560 Alexandra Road**

Legally known and described as:

PID 013 044 061  
Lot A Section 34 Block 5 North  
Range 6 West NWD Plan 80461

Registered Owner: 0856930 B.C. Ltd.

*Note: currently has no SRWs in favour of BC Hydro or Telus*

Related servicing agreement is yet to be entered into

## 2. **Developers' obligations**

Polygon Jayden Mews Homes Ltd. (or a related company), Am-Pri Developments (2012) Ltd. and 0846930 BC Ltd will each be obligated to:

- a. Install the required underground ducts to accommodate the Underground Works
- b. pay all costs whatsoever in respect to the Underground Works relating to its site
- c. permit the City to use the development's servicing agreement letter of credit to be used as security against the cost of the Underground Works relating to its site
- d. if required by the City, provide the City with cash instead to complete the Underground Works relating to its site
- e. Increase the amount of funds provided to the City should it be required
- f. locate utility boxes on private property and provide any required additional statutory rights of way and/or section 219 covenants to the City, British Columbia Hydro and Power Authority, Telus Communications Inc. and Shaw Cablesystems Limited (in connection with the site previously owned by Polygon Jayden Mews Homes Ltd. as the site has been stratified, the cooperation of the strata corporation will required in order to do this)
- g. provide a release and indemnity in favour of the City.

## 3. **City's obligations**

The City will be obligated to:

- a. Request funding from each developer in proportion to each developers' frontage length
- b. Upon receipt of developer funding, confirm the estimated costs and request BC Hydro, Telus and Shaw to proceed with designing, constructing, installing and finishing the Underground Works in relation to the three sites
- c. Using developer funding, pay BC Hydro, Telus and Shaw upon their completing the work
- d. Return any surplus funds to each developer in the same proportion as it was provided
- e. Require the developer to pay any funding deficiency

## 4. **Condition Precedent to City's obligations**

The agreement will provide that the City's obligations set out in the agreements are subject to the City being satisfied by a certain date that:

- a. The other two developers have entered or will enter into agreements with the City relating to their portions of the BC Hydro, Telus and Shaw works to be undergrounded in proximity to their lands
- b. Any required additional statutory rights of way and/or section 219 covenants have been or will be obtained and registered in connection with all three sites