Report to: Chair & Members of the Community Services Standing Committee

From: M. Paul Cripps, P.Eng., Director, Engineering Services

Date: June 13, 2011

Report No. ENG-023-11

Subject: Kingsleigh Court - Reinstatement at 430

RECOMMENDATION: It is recommended that Council receive report ENG-023-11 and provide direction to staff to reinstate 430 Kingsleigh Court as per Town of Milton standards;

- That the boulevard areas are graded from the property line to the top of the curb to provide a slope that meets Town of Milton standards;

- That the driveway be reinstated as planned to meet Town of Milton standards for grade;

- That the retaining walls along the driveway be reinstated as necessary.

REPORT

Background

Kingsleigh Court, Kings Court Crescent and Glenn Crescent were identified as candidates for reconstruction in the Town's Road Needs Study of 2006.

When new, these roads were designed and built with ditches for road drainage and sidewalks were not provided. Current Town of Milton standards for urban construction requires curb and gutter design with storm sewers for drainage and sidewalks for pedestrians.

In the 2009 Capital Budget, Council approved a project for the engineering design to a modern urban standard and further approved construction funding in the 2010 Capital Budget.
Discussion

During the design process, the Engineering Services Department held two Public Information Centres (PIC) to solicit input into the design of the project. The first PIC was held at Hugh Foster Hall on April 2, 2009 and the second was held at W.I. Dick Public School on October 5, 2009. The meetings were well attended by residents in general; however, there was no representation from either the resident or the owner of 430 Kingsleigh Court.

The design of the road was presented at the October 5 PIC meeting and provided for curb and gutter urbanized design, rebuilt road structure, storm sewers and sidewalks. Great care was taken to ensure that the design fit well with the existing properties in terms of driveway and property grading. The elevation of the roadway at 430 Kingsleigh Court was lowered approximately 0.3m (12").

Council approved the design assignment through a presentation to the Community Services Standing Committee through report ENG-044-09 on November 9, 2009 and Council passed By-Law 146-2009 authorizing construction on November 23, 2009.

Construction commenced on June 1, 2010.

Mr. Conrad Soucie, who is the owner of 430 Kingsleigh Court, came to the Engineering Services counter at Town Hall to discuss the impacts on his property on November 3, 2010. Staff explained how the frontage, flankage and driveway of the property would be impacted and suggested ways of reinstating the property following construction. Mr. Soucie was informed that we would get back to him when we had more definite details about the reinstatement.

A site meeting was held with Mr. Soucie on November 4, 2010 and he was informed how the Town would be reinstating his property.

Essentially, the grassed areas and driveway would be sloped to well within our standards. The driveway and garage portion of the house is part of an addition to the original house and was designed such that water drained toward the front of the garage and was then picked up by a trough at the entrance to the garage. To accommodate this design, the land on either side of the driveway was retained by walls made of timber and there are steps leading up to the rest of the property.

The Town’s proposed design redirects about 70 percent of the water originally draining toward the garage. Mr. Soucie enquired about having the contractor go further into his driveway to the garage door at his expense. The meeting concluded with staff
expecting that Mr. Soucie would be responsible for any work in addition to what the Town need to do to meet our standards.

Mr. Soucie abruptly changed his mind about sharing the cost of having the contractor perform additional work and demanded that all the work be performed by the Town right up to the face of his garage door. Mr. Soucie also claimed that originally his property was level with the road and that the Town should install retaining walls along the perimeter of the property. Pre-construction photographs illustrate the property was and remains much higher than the road, which is evidenced by 3 or 4 steps up from the entrance of the driveway to the rest of the property. (See Appendix I).

When our contractor showed up to complete the work ordered by the Town they were turned away and threatened with police involvement. Not wanting any confrontation, the contractor left 430 Kingsleigh unfinished, and it remains unfinished to date. (See Appendix II).

The contractor has reinstated all the properties along Kingsleigh Court, Kings Court Crescent and Glenn Crescent except for 430 Kingsleigh Court. Staff has tried to resolve this issue but there is now an impasse that cannot be overcome and Mr. Soucie has threatened legal action. The Town’s position is that we have been more than reasonable with Mr. Soucie’s requests and we cannot meet his expectations as they go well beyond our standards, involve too much risk when working on private property and would be very costly to complete. We estimate it would cost approximately $100,000 to complete the work expected by Mr. Soucie.

We are very concerned about the condition of the weeping tile collector system for the house, along with the stability of the structure. Completing the work as per Mr. Soucie’s expectations would require excavation in close proximity to the foundation of the house and the supporting structures for the wooden deck. We feel that this involves too much risk for the Town of Milton.

**Relationship to the Strategic Plan**

Adoption of Report ENG-023-11 supports Destiny Milton II through the following goal:

- A responsible, cost effective and accountable local government
The Corporation of the
TOWN OF MILTON

Financial Impact

The Town’s method of reinstatement includes:

- Grading the property to the new curb
- Sodding
- Driveway and retaining wall reinstatement of the retaining walls along the driveway
- Estimated cost $10,000

The financial impact of meeting Mr. Soucie’s expectations includes:

- Installing retaining walls around the perimeter of the property
- Completely replacing the existing driveway retaining walls, steps and walkways
- Re-grading the driveway from the garage door to the top of curb
- Estimated cost $100,000

Respectfully submitted,

M. Paul Cripps, P. Eng.
Director, Engineering Services

If you have any questions on the content of this report: John P. Brophy, P.Eng. 905-878-7252 ext. 2516

Attachments:  Appendix I – Driveway photographs
               Appendix II – Lot grading photographs
               Appendix III – Location Map

CAO Approval: _________________________
Legend

Subject Property #430 Kingsleigh Court

Appendix III

Not to Scale