

Date: 2023-01-10

Subject: **Budget Amendment-Local Improvement Project - Retrofit Noise Wall at The Villages of Rosedale, on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and west side of Dixie Road from Sandalwood Parkway to approximately 77 m northerly thereof along Dixie Road, Ward #9**

Contact: Ghazanfar Mohammad, P. Eng., Sr. Project Engineer, Capital Works Division

Report Number: [Report Number]Public Works & Engineering – 2023-072

Recommendations:

1. THAT the report titled, **Budget Amendment-Local Improvement Project - Retrofit Noise Wall at The Villages of Rosedale on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and west side of Dixie Road from Sandalwood Parkway to approximately 77 m northerly thereof along Dixie Road**, to the City Committee of Council meeting of February 1, 2023, be received;
2. THAT a By-law be passed to authorize the construction of a noise wall on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and on the west side of Dixie Road from Sandalwood Parkway to 77 metres northerly thereof at an estimated total cost of \$2,023,490 as a Local Improvement;
3. That the Council authorize staff to amend the scope of the Noise Wall project # 224300-001 to include approximately 77 metres of Region of Peel's portion of the noise wall on the west side of Dixie Road to be fully recovered from the Region;
4. THAT a budget amendment be approved for project activity # 224300-001 – Rosedale Village Noise Wall to increase the project by the amount of \$624,000 with funding of \$274,000 from Reserve # 4- Asset Repair & Replacement for City's portion of the work, \$258,000 from Cost Recovery-Regional and \$92,000 from Cost Recovery Other;

5. THAT a By-law be passed to establish a Committee of Revision, to be comprised of the current members of the Brampton Committee of Adjustment, to hear objections against the proposed Local Improvement Roll and the City's revisions to the Local Improvement Roll for the noise walls on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and on the west side of Dixie Road from Sandalwood Parkway to approximately 77 metres northerly thereof;
6. THAT staff be authorized to enter into an agreement with the Region of Peel to provide an easement of approximately 363 square meter on City property for future maintenance of Region's portion of the noise wall between Dixie Road and The Villages of Rosedale property;
7. THAT staff be authorized to begin procurement approval for tenders and contract administrative services.

Overview:

- **On June 16, 2021 Council directed staff to immediately initiate a Local Improvement process and work with the Region of Peel, to replace the noise wall and entry features on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and relocate the noise wall on City property as a one-time exception.**
- **Technical studies related to the noise replacement including design and tender package have been substantially completed.**
- **Approximately 77 metres of the noise wall falls under the jurisdiction of the Region of Peel. Staff is working with the Region of Peel staff and it is agreed that the City replaces the Region's portion of the noise wall as part of the City's project and recover the cost from the Region.**
- **The Region's portion of the noise wall will have to be installed on the City property located between the Dixie Road right-of-way and the private property. As such, the City will have to provide maintenance easement to the Region.**
- **The City's portion of the noise wall will be implemented as Local Improvement with 75% of the cost paid by the City and 25% by The Villages of Rosedale Inc. while the Region's portion will be paid by the Region of Peel in full.**
- **The Formal Petition was sent to the unit owners within Peel Condominium Corporation No. 564, Peel Vacant Condominium Corporation No. 673, managements of both the Condominium Corporations and The Villages of Rosedale Inc. that is responsible for the maintenance of the existing noise walls.**
- **Signed petition was received on June 6, 2022. City Clerk certified on September 1, 2022 that the Formal Petition is successful with 100% of benefiting property owners representing 100% of the assessed value of the property signing in favour of the petition.**

- The estimated total cost of the noise walls including the Region's portion is \$ 2,023,490. Of this, \$1,324,411 will be paid by the City, \$441,470 will be recovered from The Villages of Rosedale Inc. and \$257,608 will be recovered from the Region of Peel.
- It is recommended that Council pass a By-law to undertake the work as a local improvement project.
- A by-law establishing a Committee of Revision, as necessary, to hear objections against the proposed local improvement roll is required. The Committee of Adjustment is recommended to function as the Committee of Revision.
- The project cost of \$1,400,000 is approved in the 2022 budget. A budget amendment for additional \$624,000 is required as results of recent addition of 77m of noise wall along Regional Dixie Road, an additional noise wall replacement required at entrance of The Village and inflation after the 2022 budget approval of which \$257,608 will be recovered from Region and \$441,470 will be recovered from The Villages of Rosedale Inc.
- Public notice of this matter will be mailed to all benefitting properties subject to the local improvement work and will also be published in the Brampton Guardian on Thursday, January 26, 2023, and posted to the City's website.

Background:

On June 16, 2021, through resolution CW299-2021 (**Attachment #1**) Council directed staff to immediately initiate a Local Improvement process and work with the Region of Peel to replace the noise wall and entry features on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and relocate them on City property as a one-time exception.

In addition to the noise wall on the north side of Sandalwood Parkway, there is approximately 77 metres of noise wall on the west side of Dixie Road that is under the jurisdiction of the Region of Peel.

Current Situation:

Staff consulted with Region of Peel staff to install both noise walls as one project and share the cost. The Region of Peel staff suggested, that the City replace the Region's portion of the noise wall as well as a Local Improvement and recover the cost from the Region for the Region's portion.

Noise assessment, geotechnical investigation, design of noise wall and tender package have been substantially completed. The estimated total cost of the noise walls including different shares of costs are as below;

Total Cost	City of Brampton share	The Village of Rosedale Village share (Recoverable)	Region of Peel Share (Recoverable)
\$2,023,490	\$1,324,411	\$441,470	\$257,608

These are the estimated costs, the actual cost share will be recalculated upon actual cost of noise wall replacement is known upon completion of the project.

On June 06, 2022, a formal petition was received by the City Clerk requesting the replacement of an existing noise wall on the north side of Sandalwood Parkway from Dixie Road to Via Rosedale and on the west side of Dixie Road from Sandalwood Parkway to approximately 77 metres northerly thereof (**Attachment #2**) as a Local Improvement project pursuant to the O. Reg. 586/06 of the Municipal Act, 2001. The City Clerk certified on September 1, 2022 that the petition in favour of the Local Improvement has met the minimum requirements for a valid petition under the Regulation.

The benefiting properties are within Peel Condominium Corporation #564 and Peel Vacant Land Condominium Corporation #673. The Villages of Rosedale Inc., in its function as the property management company for the said condominiums, has agreed to pay the homeowners; share of the cost in full and in turn has provided a Letter of Credit in the amount of \$500,000.

Section 6(1) of the O. Reg. 586/06 requires that before passing a By-law undertaking work as a Local Improvement, a notice of Council's intention to pass such By-law must be given to the public and owners of the affected properties liable to be specially charged. The notice shall include:

- The estimated cost of the work
- The estimated lifetime of the work
- The estimated special charges of affected properties liable to be specially charged, when the special charges shall be paid, and
- The fact that the City has received a sufficient petition under Section 10 of the O. Reg. 586/06.

Since the petition has been certified by the Clerk and the notice requirements have been met. Staff recommends that Council pass a by-law (**Attachment #3**) undertaking the work as a Local Improvement project. As the costs are only estimates, the actual amount to be charged to the owners will be determined once the project is substantially completed.

The total cost of the noise wall is estimated to be \$2,023,490. Based on the City's current policy for Local Improvement projects for noise walls, the City's share of the cost is 75% and the property owners' share is 25% of the total cost of City's portion of noise wall. As such, the estimated cost for the City is \$1,324,411 and that for the property owners is \$441,470. The Region of Peel share of cost is \$257,608, which will be recovered from the Region.

A project cost of \$1,400,000 is approved in the 2022 budget, however, the recent addition of 77 m of noise wall along Regional Road, additional noise wall replacement required at the entrance and inflation since approval of budget, have escalated the project cost estimate to \$2,023,490. As a result, a budget amendment of additional \$624,000 is required.

Once Council enacts a By-law undertaking the work as a local improvement project, staff will proceed with the necessary tendering for construction. It is anticipated that the construction of the noise wall for the Villages Rosedale will commence in summer 2023.

Corporate Implications:

Financial Implications:

Subject to Council approval of recommendation #'s 3 and 4, a budget amendment will be required for project activity # 224300-001 – Rosedale Village Noise Wall to increase the project by the amount of \$624,000 with funding of \$274,000 from Reserve # 4- Asset Repair & Replacement for City's portion of the work, \$258,000 from Cost Recovery-Regional and \$92,000 from Cost Recovery Other.

Funding Source-224300-001	Approved Funding (\$)	Budget Amendment (\$)	Total Funding (\$)
Account # 601048 Tax Supported Debt-External	1,050,000		1,050,000
Account # 601084 Reserve # 4- R&R		274,000	274,000
Account # 601044 Cost Recovery-Other	350,000	92,000	442,000
Account # 601305 Cost Recovery-Regional	-	258,000	258,000
Total	1,400,000	624,000	2,024,000

The 2022 Budget included approval of a 3-year capital program and funding plan, which maximized the allocation of anticipated funding availability across planned project. The approval of this amendment will require reprioritization of capital projects forecasted to be funded against Reserve #4 Asset R&R.

Term of Council Priorities:

This report achieves the Strategic Plan priorities by investing in new infrastructure and maintaining a state of good repair.

Conclusion:

As per Council direction, staff initiated the Local Improvement process for the construction of noise walls at the Villages of Rosedale. The City Clerk has certified that the formal petition is successful with 100% of property owners representing 100% of property value supporting the petition. The estimated total cost for the construction of the noise walls is \$2,023,490. Of this, estimated of \$441,470 will be recovered from The Villages of Rosedale Inc. on behalf of the benefitting property owners and \$257,608 will be recovered from the Region of Peel. A project cost of \$1,400,000 was included in the 2022 budget; a budget amendment of additional \$624,000 is required.

Subject to Council approval, construction of the noise wall will commence in summer of 2023.

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Attachments:

- Attachment 1 – June 16, 2021_City Council Minutes
- Attachment 2 – Plan View
- Attachment 3 – Draft By law