

**Date:** 2023-01-23

**Subject:** **Special Charges – Noise Wall at 14 and 16 Madrid Crescent – Ward 7**

**Contact:** **Bishnu Parajuli, Manager, Infrastructure Planning, Public Works and Engineering (905 874 3644)**

**Report Number:** Public Works & Engineering-2022-861

**Recommendations:**

1. That the report titled Special Charges – Noise Wall at 14 and 16 Madrid Crescent - Ward 7 to the Committee of Council Meeting of February 22, 2023, be received; and,
2. That a By-law be enacted in the form attached to this report to impose the special charges as set out in the Local Improvement Roll certified by the Treasurer for the noise wall to the benefiting property owners of 14 and 16 Madrid Crescent, Brampton

**Overview:**

- **Overview:**
- **On June 21, 2017, Council passed By-law 136-2017 to undertake the construction of a noise wall adjacent to 14 and 16 Madrid Crescent at the southwest corner of Bramalea Road and North Park Drive.**
- **Construction of the noise wall was completed in October, 2018 at the total cost of \$145,936.94.**
- **The Committee of Revision approved the Local Improvement Roll as prepared by the City without any changes and the Treasurer has certified the Local Improvement Roll.**
- **Pursuant to Ontario Regulation 586/06, staff presented a report to Council on April 6, 2022 including a Local Improvement Roll, Statement of Actual Cost of the Work and Special Charges By-law.**
- **The benefitting property owners delegated to Council expressing concerns about drainage at the backyard of 16 Madrid Crescent and requesting reduction of property owners' share of the cost. After hearing delegations, Council referred the report back to staff for review of municipal share of costs and to investigate drainage issues associated with the constructed noise wall.**

- **Staff met with the owner of 16 Madrid Crescent on May 27, 2022 to discuss the Special Charges and the drainage issue. Staff proposed to address the drainage issue by constructing a cut-off drain adjacent to the east face of the noise wall to capture surface water from Boulevard area and the property owners will pay the Special Charges as approved by the Committee of Revision on February 15, 2022, to which the property owner agreed.**
- **A By-law now is required to impose Special Charges to the benefiting property owners in accordance with the Ontario Regulation 586/06.**

### **Background:**

On June 21, 2017, Council authorized (By-law 136-2017) the construction of a noise wall on the City's right-of-way adjacent to 14 and 16 Madrid Crescent at the southwest corner of Bramalea Road and North Park Drive as a Local Improvement Project in accordance with Ontario Regulation 586/06.

Through the same By-law, Council also established the Committee of Revision to hear objections against the Local Improvement Roll by appointing the Committee of Adjustment to serve as the Committee of Revision.

The Statement of Actual Cost of the Work and Local improvement Roll were mailed to the benefiting property owners on February 19, 2020 giving them an opportunity to file an objection by March 17, 2020. No objections were received by the cut-off date/time. However, given the onset of the COVID-19 pandemic, provincial restrictions and legislative orders were enacted that suspended certain limitation periods, including statutory notice periods such as the March 17, 2020 deadline. While the suspension of the limitation period had been lifted, in order to ensure adherence to the legislative Local Improvement Work process, a "Revised Notice" was issued to benefiting property owners on January 14, 2022 giving opportunity to object to the Special Charges for Local Improvement Work. The cut-off date for any objections was February 08, 2022. Objections of the Local Improvement Roll were received from the owners of 14 and 16 Madrid Crescent before the cut-off date/time. A virtual Meeting of Committee of Revision was held on February 15, 2022 at 3:00 PM to hear the objections. The staff recommended Special Charges were approved by the Committee of Revision as set out in the Local Improvement Roll without any changes.

Pursuant to Ontario Regulation 586/06, staff presented a report to Council on April 6, 2022 (Attachment 1) including a Local Improvement Roll, Statement of Actual Cost of the Work and Special Charges By-law.

The benefiting property owners delegated to Council expressing concerns about drainage at the backyard of 16 Madrid Crescent and requested a review of the cost sharing splits between the City and the benefiting property owners. After hearing delegations, Council referred the report

back to staff for review of municipal share of costs and to investigate drainage issues associated with the constructed noise wall.

### **Current Situation:**

Staff met with the owner of 16 Madrid Crescent on May 27, 2022 to discuss the Special Charges and the drainage issue. It was observed that the boulevard area is sloping towards 16 Madrid Crescent creating a possibility of surface water flowing towards the property during heavy rain or snow melting. Staff proposed to construct a cut-off drain adjacent to the east face of the noise wall to capture surface water from Boulevard area and the property owners will pay the Special Charges as approved by the Committee of Revision on February 15, 2022, to which the homeowner agreed. The construction the cut-off drain and its connection to drainage system has been completed in December 2022.

The total cost of construction of the noise wall was \$145,936.94 that includes costs for construction, survey and design and contract administration. The unit cost of the noise wall was \$2,148.03 per metre. Based on the actual cost, the property owners' actual shares of the cost were calculated as \$23,778.66 and \$22,779.82 respectively for 14 Madrid Crescent and 16 Madrid Crescent.

The Engineer and the Treasurer prepared and certified a Statement of Actual Cost of the Work (Attachment 2). The Statement of Actual Cost of the Work shows the total cost incurred to construct the noise wall as well as the cost break down, which includes construction, survey and design and contract administration costs. It also shows the shares of the cost to be paid by the City and the benefitting property owners.

The Treasurer has prepared a Local Improvement Roll (Attachment 3). The Local Improvement Roll identifies each property owner's payable share of the cost of the work based on 50% paid by the City and 50% paid by the benefitting property owners. The property owner's share of the cost for irregular shaped lots was reduced by using mid-lot width with cost reduction added to the City's share of the cost, thereby, reducing the property owners' total share less than 50%. As a result, the actual cost share was approximately 32% for the property owners and 68% for the City.

The property owners have two options to pay their share of the cost. The first option is to pay their full share of the cost by November 30, 2022. The second option is to amortize their full share of the cost over a period of 15 years at an annual interest rate of 2.6% by making equal annual installment payments. In the second case, the property owner's share will be added to the final property tax bill which will be sent in June 2023.

Pursuant to Ontario Regulation 586/06, before special charges can be imposed to collect the property owner's share of the cost, the City must pass a By-law (Attachment 4).

The Treasurer has certified the Local Improvement Roll to impose the special charges. Staff recommends that a By-law be passed to impose special charges as set out in the Local Improvement Roll (Attachment 3) for the noise attenuation wall to benefitting property owners.

**Corporate Implications:**

Financial Implications:

Funding for the noise walls construction was budgeted under project # 144300-Noise Walls (various locations), which was funded from Development Charges. Recovery from residents was also budgeted under Cost Recovery account in the project. Actual cost recovery is estimated to be \$ 46,559 based on the 32% cost share for property owners and balance cost share of \$ 99,378 or 68% for the City.

Legal Implications:

Legal is in agreement with the recommendation presented in this report

**Term of Council Priorities:**

This report aligns with Term of Council priorities "Safe and Well Run City" by investing in new infrastructure. Construction of noise attenuation wall will improve living environment for residents by reducing traffic noise and uphold reputation of the City.

**Conclusion:**

Staff recommends that Council pass a By-law (Attachment 4) to impose special charges as set out in the Local Improvement Roll (Attachment 3) and the City construct a cut-off drain adjacent to the eastern face of the noise wall to capture surface water from the boulevard area.

Authored by:

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Chief Administrative Officer

**Attachments:**

Attachment 1: Report to Council on April 6, 2022

Attachment 2: Statements of Actual Cost of Work

Attachment 3: Local Improvement Roll

Attachment 4: Local Improvement By-law