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Report 2025-019

Report Title: Golden Plough Lodge and Northumberland County Archives and Museum (GPLNCAM) Redevelopment – Encroachment Agreement with Northumberland Supportive Non-Profit Housing Corporation O/A Halcyon Place

Committee Name: Public Works

Committee Meeting Date: February 3, 2025

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Public Works

Reviewed by: Darrell Mast
Municipal Solicitor
Legal Services

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Director of Finance/Treasurer
Finance

Approved by: Jennifer Moore, CAO

Council Meeting Date: February 19, 2025

Strategic Plan Priorities: ☐ Innovate for Service Excellence
☐ Ignite Economic Opportunity
☐ Foster a Thriving Community
☒ Propel Sustainable Growth
☐ Champion a Vibrant Future

Recommendation

“That the Public Works Committee, having considered Report 2025-019 ‘Golden Plough Lodge and Northumberland County Archives and Museum (GPLNCAM) Redevelopment – Encroachment Agreement with Northumberland Supportive Non-Profit Housing Corporation O/A Halcyon Place’, recommend that County Council direct staff to enter into an encroachment agreement with Halcyon Place for a portion of retaining wall and sidewalk placed on Halcyon Place Lands as part of the adjacent GPLNCAM redevelopment.”

Purpose

The purpose of this report is to direct staff to proceed with entering into an encroachment agreement with Northumberland Supportive Non-Profit Housing Corporation O/A Halcyon Place (Halcyon) for the placement of a portion of retaining wall and sidewalk place on Halcyon Place Lands as part of the adjacent GPLNCAM redevelopment.

Background

A property survey of the new GPLNCAM site was completed in 2016 and used as a basis for the design. During construction and layout for the new stone retaining wall at the southeast corner of the site, it was determined that a portion of the new stone retaining wall would interfere with an existing culvert that was not shown on the survey completed in 2016. It was determined that this new culvert and changes to the grading as well as an extension to Halcyon Place's parking lot were made after the survey had been completed. It was also determined that a portion of the retaining wall and sidewalk for the GPLNCAM was in fact encroaching on Halcyon Lands. Despite the new culvert and grading changes made by Halcyon Place, water ponding and drainage issues were still observed on the Halcyon Place Lands.

To address the conflict with the new culvert and address the drainage issues in a mutually beneficial manner, an extension of the retaining wall and additional grading was completed.

Consultations

The County project team including the external Project Management team, BTY Group, consulted extensively with the Consultant, Salter Pilon and Associates (SPA), and the Contractor, Matheson Constructors Limited (MCL) to review the conflicts and viable solutions that would have minimal impact on budget and schedule.

There was also consultation with Halcyon Place to review the conflict, existing drainage issues, and potential solutions, resulting in agreement on the solution that was implemented that resulted in a minor encroachment of infrastructure on their property, but addressed existing drainage issues to both the County and Halcyon's benefit.

Legislative Authority / Risk Considerations

Encroachment agreements between municipalities and property owners are common practice for infrastructure that is encroaching on either party's property. These agreements typically include the details of the encroachment and responsibilities of each party as it relates to the encroachment.

The encroachment agreement will be developed and reviewed by internal legal counsel prior to execution.

Discussion / Options

A more extensive redesign of the retaining wall, sidewalk and grading plan could have been completed to address the conflict and encroachment resulting in additional project cost and time. The solution that was implemented met the intent of the original design and addressed an existing drainage issue that was mutually beneficial to the County and Halcyon Place with minimal additional cost and no impact to the project schedule.

Financial Impact

There is no cost associated with developing and entering into the encroachment agreement.

As per the contract, a change order in the amount of \$42,717 plus HST was issued to complete the extension of the retaining wall and grading modifications using the post contract contingency and was included in the previously reported total projected GPLNCAM budget.

Member Municipality Impacts

N/A

Conclusion / Outcomes

It is recommended that County Council direct staff to enter into an encroachment agreement with Halcyon Place for the portion of retaining wall and sidewalk that was placed as part of the GPLNCAM redevelopment.

Attachments

- 1) Report 2025-019 ATTACH 1 'Site Plan dated November 25, 2020 and last updated October 29, 2024 showing section of retaining wall and portion of sidewalk encroaching on Halcyon Place Lands'