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## Report 2024-055

**Report Title:** Tribute (Cobourg) Limited – Completion of Elgin Street Works

**Committee Name:** Public Works

**Committee Meeting Date:** April 4, 2024

**Prepared by:** Denise Marshall  
Director of Public Works  
Public Works

**Reviewed by:** Darrell Mast  
Municipal Solicitor  
  
Matthew Nitsch  
Director of Finance/Treasurer  
Finance

**Approved by:** Jennifer Moore, CAO

**Council Meeting Date:** April 17, 2024

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

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### Recommendation

**That** the Public Works Committee, having considered Report 2024-055 ‘Tribute (Cobourg) Limited – Completion of Elgin Street Works’, recommend that County Council approve the reimbursement of \$213,214.71, including non-recoverable HST, to Tribute (Cobourg) Limited, for infrastructure work completed on Elgin Street West, Cobourg, noting that this work is included in Northumberland County’s Development Charge Background Study; and

**Further That** the Committee recommend that County Council approve \$27,248.84 to be funded from County Development Charges and the remaining \$185,965.87 be funded from the general reserve; and

**Further That** the Committee recommend that County Council authorize the CAO and Treasurer, with the advice of the Municipal Solicitor, to execute any agreements with Tribute (Cobourg) Limited for the purposes of reimbursements described in Report 2024-055.”

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## **Purpose**

The purpose of this report is to direct staff to proceed with reimbursement of funds to Tribute (Cobourg) Limited (Tribute) for infrastructure works completed by the developer that are included in Northumberland County's (County's) Development Charge Background Study.

## **Background**

Tribute is developing a multi-phase (7) residential development of a 107 Hectare (264 Acre) area of land in the Cobourg East Community known as Cobourg Trails. Phase 1, consisting of 216 residential dwelling units received draft plan approval in July 2018 and Tribute received approval to proceed with construction in August 2022. Phase 2, consisting of 116 residential units received Draft Plan Approval in July 2023. The proponent has also applied for Draft Plan of Subdivision, an Official Plan Amendment, and a Zoning By-law Amendment for Phase 3.

In addition to each phase, Tribute has been working closely with the Town of Cobourg, County of Northumberland, Lakefront Utility Services (LUSI) and other agencies and stakeholders to complete the Environmental Assessment and design for trunk servicing (watermain and sanitary sewer) to service the community.

The main arterial road that traverses through the Cobourg East Community is County Road 20 (Elgin Street and Brook Road). As a result of the planned expansion of the Cobourg East Community, the County completed an Area Specific Development Charge Background Study and implemented its first DC Bylaw in 2013 and updated in 2018 for the Cobourg East Community. A County Wide DC Background Study and By-law, incorporating the Cobourg East Community was subsequently implemented in 2020.

As part of the DC Background Study, Elgin Street from Darcy Street to Brook Road is proposed to be widened to four lanes with cycling lanes and urbanized (curb and gutter and storm sewer) to accommodate the growth in the area.

To accommodate Phase 1 of the Tribute development, infrastructure work was required on Elgin Street to connect new services within the subdivision to services on Elgin Street (i.e., watermain, sanitary and storm). As part of the road reinstatement, modifications were completed to the road profile and widening for interim cycling lanes that would be required as part of the ultimate design for the urbanization work included in the County's DC Study.

## **Consultations**

N/A

## **Legislative Authority / Risk Considerations**

The work was completed by a contractor retained by the developer to complete the works within the County ROW. The contractor was responsible to comply with all relevant guidelines and legislation including but not limited to the Occupational Health and Safety Act, R.S.O, 1990 (OHSA), O. Reg. 406/19: On-Site and Excess Soil Management, Ontario Traffic Manual Book 7 for Traffic Control, etc. The contractor was also required to obtain a ROW permit from the County and all other required agency approvals.

Any required agreement for the reimbursement will be developed and reviewed by legal counsel prior to execution.

### **Discussion / Options**

Tribute retained a contractor to complete road and related infrastructure works within the Phase 1 development and to complete the external works required for the development (i.e., Elgin Street servicing and roadworks). Modifications to the Elgin Street Road profile and minor widening were completed when reinstating the road after the installation of underground services, which would fall within the scope of work in the County DC Study for this section of Road.

Based on the timelines, the developer required the Egin Street works to be completed sooner than the County was planning to implement the DC recoverable work, and the County would have delayed the development if it proceeded to complete design and reconstruction of Elgin Street before allowing the connections. Allowing Tribute to proceed with the work including a portion of the DC recoverable work resulted in efficiency, reduction in rework and waste of materials, and cost savings (escalation) by having work completed prior to when the County planned to complete the works.

As part of the Development Agreement between Tribute and the Town of Cobourg, provisions were included with respect to potential cost sharing for the Elgin Street Works, subject to County Council approval. A Credit for Services through the Development Charges Act was considered; however, the County portion of the DC would not have covered the works and would have resulted in a carry over credit.

### **Financial Impact**

A detailed cost breakdown was prepared and reviewed by County Staff for the Elgin Street Works and the County share related to the work is \$213,214.71 (incl. non recoverable HST).

The widening and urbanization of Elgin Street from D'Arcy to Brook Road is included in the County's DC Background Study with 12.78% of the project costs being DC eligible, therefore, \$27,248.84 will be funded from County Development Charges and the remainder will be funded from the general reserve. However, 75% of the project cost is recoverable from a future DC period, and these future DCs can be transferred to the general reserve for reimbursement.

### **Member Municipality Impacts**

N/A

### **Conclusion / Outcomes**

It is recommended that County Council direct staff to proceed with payment in the amount of \$213,214.71 (incl. non recoverable HST) to Tribute (Cobourg) Limited for reimbursement of a portion of a DC eligible project included in the County's DC background study.

### **Attachments**

N/A