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**TO:** CITY MANAGER **DATE:** 2005 July 04

**FROM:** DIRECTOR ENGINEERING **FILE:** 35000-40  
*Reference: Byrne 3*

**SUBJECT: COST SHARING AGREEMENTS - BYRNE ROAD**

**PURPOSE:** To seek Council approval to enter into cost sharing agreements with two adjacent developers for works on Byrne Road at Marine Way.

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**RECOMMENDATIONS:**

1. **THAT** Council approve the expenditures of \$600,000 (inclusive of 7% GST) for pre-servicing costs related to the proposed developments at Byrne Rd and Marine Way, as outlined in this report.
2. **THAT** the City Solicitor be authorized to prepare and execute a cost sharing agreement with Marine Promenade Properties Inc. in the amount of \$400,000 (inclusive of 7% GST) for reimbursement to the City for the cost of the developer's share of constructed roadworks and utility relocations on Byrne Road, as outlined in this report.
3. **THAT** the City Solicitor be authorized to prepare and execute a cost sharing agreement in the amount of \$200,000 (inclusive of 7% GST) with Adera Equities Inc., for reimbursement to the City for the cost of the developer's share of utility relocation on Byrne Road, as outlined in this report.

**REPORT****1.0 BACKGROUND**

The purpose of this report is to seek Council approval to enter into cost sharing agreements with two adjacent developers for works on Byrne Rd to be undertaken in conjunction with the City's road upgrading project.

On 2004 June 07, Council gave Second Reading to Rezoning Ref. #03-22 for the development of a commercial shopping centre, in accordance with the adopted Byrne Rd and Marine Way Commercial Precinct Development Plan, on a property located on the south east corner of Marine Way and Byrne Rd. As part of this development proposal, Council endorsed the development of a cost sharing agreement for road capacity improvements on Byrne Rd and Marine Way.

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On 2005 May 02, Council gave Second Reading to Rezoning Ref. #04-50 for the development of a multi-tenant, strata-titled light industrial/office complex on the west side of Byrne Rd just south of Marine Way. As part of this development proposal the developer is required to relocate existing overhead utility wiring adjacent to the site to its final underground location.

The City is currently upgrading Byrne Road between the CPR tracks and Marine Way to a full standard and it would be appropriate to pre-service the adjacent development sites at this time under the existing road construction contract, rather than after completion of the roadworks contract. The integration of these works is more cost effective and would also minimize future traffic disruption on Byrne Road.

The applicants, Marine Promenade Properties Inc. (Rezoning Ref. #03-22) and Adera Equities Inc. (Rezoning Ref. #04-50), are planning to submit their rezoning applications for final approval in September and December 2005, respectively. Both applicants will be required to reimburse the City for the pre-servicing costs, as a prerequisite condition of rezoning approval.

This report outlines the cost sharing components and seeks Council authorization for the execution of cost sharing agreements for the City to recover the cost of pre-servicing the development sites.

## 2.0 PROPOSED COST SHARE EXPENDITURES

Marine Promenade Properties Inc, the adjacent developer to the east, is responsible for construction of additional lanes to Byrne Road and for utility connections to their development site. Additionally, the City requires the developer to relocate existing Telus lines to accommodate the road construction. Total cost of these works, based on tendered contract pricing is \$400,000 (inclusive of 7% GST).

Adera Equities Inc., the adjacent developer to the west, is responsible for relocating existing Telus overhead utility wiring across the frontage of their development site to its final underground location. Total cost of these works, based on quoted pricing is \$200,000 (inclusive of 7% GST).

Both developers have agreed to this cost-sharing approach and subject to Council's approval, the contractor currently upgrading Byrne Road will be advised to proceed with the developers' components of the work. These expenditures are included under the Major Roads component of the 2005 Annual Financial Plan and are funded by an existing work order previously approved by Council. Reimbursement of the total costs to the City will be made upon completion of the works.



Craig Sinclair, P. Eng.  
DIRECTOR ENGINEERING

WCS:ljb  
Copied to: Director Finance  
Director Planning & Building