
HALDIMAND COUNTY

Report LSS-04-2021 Easement Agreement with KWIC Telecom Ltd. – Kent Street West, Selkirk



For Consideration by Council on April 6, 2021

OBJECTIVE:

The purpose of this report is to authorize an Easement Agreement with KWIC Telecom Ltd. to allow for installation of equipment necessary to bring high-speed, reliable internet service to Haldimand County residents as part of the Broadband Project.

RECOMMENDATIONS:

1. THAT Report LSS-04-2021 Easement Agreement with KWIC Telecom Ltd. – Kent Street West, Selkirk, be received;
2. AND THAT staff be authorized to proceed with negotiation of an Easement Agreement with KWIC Telecom Ltd. over the lands described as Part of PIN # 38204-0316(LT), Kent Street West of HC136506, Plan 357, Haldimand County, and shown in hatch marks on Attachment #1 of Report LSS-04-2020, for the provision of installing ancillary equipment to supply internet services, subject to: receipt of satisfactory feedback from abutting property owners; the completion of a survey and locates, and confirmation of utility service access;
3. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

Prepared by: Lori Friesen, Manager, Legal and Support Services

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

KWIC Telecom Ltd. has requested an easement on County property for the purpose of installing several key pieces of equipment related to the Broadband Project. Equipment includes cabinets, backup generator, conduits and telecom vaults – all identified as the backbone infrastructure to provide high-speed, reliable internet service to Haldimand County residents. The proposed site for the easement is shown on Attachment #1 in hatch marks on the most westerly portion of the unopened road of Kent Street West, Selkirk.

BACKGROUND:

In September 2019, Council adopted corporate priorities for the 2018-2022 term, with one of these priorities being to bring high-speed, reliable internet service to all Haldimand County residents. Through a competitive process, an agreement was executed with 676766 Ontario Limited, o/a KWIC Internet and also known as KWIC Telecom Ltd. (KWIC) to provide broadband services. KWIC has been meeting with staff to discuss the strategy for implementation to support this initiative and have identified Selkirk as a key location for installation of necessary ancillary infrastructure.

KWIC has provided the County with information regarding their specific needs to ensure that a suitable County-owned location could be identified. KWIC requires a location that can house a 20 x 20 foot concrete pad (approximate size, yet to be confirmed) that will house a number of cabinets, backup generator, conduits, telecom vaults and a post to receive a hydro meter. The concrete pad will be surrounded by a chain link fence for the purpose of securing the equipment. No designated onsite parking is needed, as access after installation will be minimal with the exception of general maintenance and emergency repairs. Attachment #2 provides an example of the cabinets and hydro meter for the sole purpose of providing perspective of what the infrastructure will look like. KWIC has confirmed that the equipment will not create any negative impact on the adjacent properties in terms of emissions or noise activity levels. The propane powered generator will run once a week for 20-30 minutes as a systems check, and will only be used if there is a power outage to provide internet continuity.

KWIC has investigated two properties owned by Haldimand County in Selkirk that would be large enough to accommodate KWIC's requirements with two potential locations being identified: the Selkirk Centennial Community Centre (SCCC) property and an unopened portion of Kent Street West near Selkirk Park. The SCCC location was initially considered; however, upon further investigation, site inspections and discussions with staff and the SCCC Board of Directors who lease this property and operate it on behalf of the County, it was deemed not to be a preferred location.

Staff conducted a similar review process for the most westerly portion of the unopened portion of Kent Street West where it meets Court Street, Selkirk. This section of unopened road is wide enough to enable the requested easement, with the abutting property being farm land (west and south), closed road allowance to the east and one residential property to the north.

Subject to Council approval, work is anticipated to commence in April 2021.

ANALYSIS:

KWIC has identified that Selkirk is a necessary location to house ancillary equipment to provide internet connectivity to Haldimand County residents.

Staff conducted a thorough review of County-owned property that would be suitable for an easement to meet KWIC's requirements, while ensuring minimal impact to the residents of Selkirk. Based upon consultations with staff, the Selkirk Parks Committee and KWIC, the approximate location identified in Attachment # 1, being on the most westerly portion of the unopened road of Kent Street West where it meets Court Street, Selkirk, has been identified as a satisfactory location, pending some final verifications.

Currently, this portion of the unopened road is utilized by the Selkirk Parks Committee through a Memorandum of Understanding for overflow parking when needed (i.e. special events). The Manager of Community Development & Partnerships reached out to the Selkirk Parks Committee to provide an explanation of the request and the Committee has no concerns.

No other issues or concerns were brought forward from County staff from the Community Development & Partnerships, Engineering Services and Planning & Development Divisions.

The location has yet to be vetted with the property owners along Court Street as well as the property that abuts the closed portion of Kent Street (farm land). Although this is not required, it does provide an opportunity to address any concerns from local neighbours prior to entering into an Easement Agreement. KWIC has committed to minimal disruption for the easement area and surrounding properties.

It is anticipated that the work will be initiated in April 2021 pending weather conditions, final verification of the site and equipment needs (survey, locates, utility) and addressing any residential concerns through mitigation.

Pending all results being favourable, County staff are seeking delegated authority to enter into negotiation and subsequent execution of an easement agreement with KWIC. The Easement Agreement will be registered on title and standard provisions, such as the requirement for KWIC to provide proof of insurance, are included in the agreement. The draft Easement Agreement is shown as Attachment #3, for information purposes.

FINANCIAL/LEGAL IMPLICATIONS:

The Mayor and Clerk will be required to sign the Easement Agreement and all costs related to the easement will be paid by KWIC.

STAKEHOLDER IMPACTS:

The Selkirk Parks Committee, which utilizes this unopened road for overflow parking as part of a Memorandum of Understanding, was consulted, as was staff from the Community Development & Partnerships Division, Planning & Development Division and Engineering Services Division with no concerns being brought forward.

Neighbouring property owners have yet to be informed and consulted; noting that there is only one residential property that abuts the proposed location of the infrastructure.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map of the Subject Property
2. Example of KWIC Infrastructure
3. Draft Easement Agreement