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Date: November 25, 2019
To: Mayor and Council
Author: G.A. Plancke / Director of Municipal Services
RE: Lake Drive to Conservation Blvd Easement Agreement "Revised"
Report No.: MS 2019 - 51

AIM

To obtain approval to enter into an Easement Agreement with 1646322 Ontario Limited for the purpose of installing and maintaining an active transportation facility (Trail) to connect Lake Drive to Conservation Boulevard.

BACKGROUND

Sept 23, 2019

489-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That the Town enters into an Easement Agreement with 1646322 Ontario Limited for the purpose of constructing and maintaining an active transportation trail connection from Lake Drive to Conservation Boulevard, And Further That the Mayor and Clerk be authorized to execute the Easement Agreement on behalf of the Town. **Carried**

DISCUSSION

Subsequent to the September 23, 2019 Regular Meeting of Council, the Town received additional comments and request for revision to the Easement Agreement previously presented.

Although minor in nature, the revisions could potentially have future impact on the Town. In review with the Director of Corporate Services, the requested revised agreement warranted an update report to Council as the changes were not deemed insignificant.

The two significant revisions include specific wording which defines a two year period to allow the Town to construct the multi-use trail and should the Town not construct, the agreement would become null and void, and further that,

The Town recognize “Biologic” as the environmental consultant retained by the Transferor whom obtained clearance permit AY-C–008-17 with conditions from the Ministry of the Environment Conservation and Parks. (MECP) on behalf of 1646322 Ontario Limited. Any additional clearances required by the Town for the Trail construction would be the sole responsibly of the Town.

The first revision should not become applicable as the Lake Drive Trail construction is included in the 2020 Budget deliberation, and if approved should be complete within the 2020 construction year.

The second revision defines certain requirements the Town must adhere to in order to modify the area as per permit AY-C-008-17 issued by the MECP and any subsequent approvals required thereafter as a result of the Trail construction.

LINK TO STRATEGIC PLAN

Improve recreational and cultural facilities and opportunities within the Town of Kingsville.

FINANCIAL CONSIDERATIONS

The cost of the survey and registration of the 12R Plan
The cost drafting an Easement Agreement / revision.

CONSULTATIONS

Verhaegen Land Surveyors
Pearsall, Marshall, Halliwill & Seaton LLP
1646322 Ontario Limited / Remo Valente
Manager of Planning & Development Services
Director of Corporate Services
Municipal Services

RECOMMENDATION

That Council repeal authorizing By-law 85-2019 and,

That the Town enter into a revised Easement Agreement with 1646322 Ontario Limited for the purpose of constructing and maintaining an active transportation trail connection from Lake Drive to Conservation Boulevard, and further that;

The Mayor and Clerk be authorized to execute the revised Easement Agreement on behalf of the Town.

G.A. Plancke
G.A. Plancke Civil Eng. Tech (Env)
Director of Municipal Services

Peggy Van Mierlo-West
Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer