



# Committee Report

<b>To:</b>	Warden McQueen and Members of Grey County Council
<b>Committee Date:</b>	May 14, 2020
<b>Subject / Report No:</b>	PDR-CW-24-20
<b>Title:</b>	Elder Lane Agreement
<b>Prepared by:</b>	Scott Taylor
<b>Reviewed by:</b>	Randy Scherzer
<b>Lower Tier(s) Affected:</b>	Township of Chatsworth
<b>Status:</b>	Recommendation adopted by Committee as presented per Resolution CW85-20; Endorsed by County Council May 28, 2020 per Resolution CC54-20;

## Recommendation

- 1. That Report PDR-CW-24-20 regarding the Elder Lane Agreement be received; and**
- 2. That the agreement with Township of Chatsworth for the purposes of allowing use of a portion of the County's CP Rail Trail as a temporary access for emergency service and Township of Chatsworth vehicles to facilitate a Township bridge construction project on Elder Lane be executed; and**
- 3. That subject to the approval of the agreement by the Township of Chatsworth Council, a by-law to adopt the Agreement be prepared for consideration by County Council.**

## Executive Summary

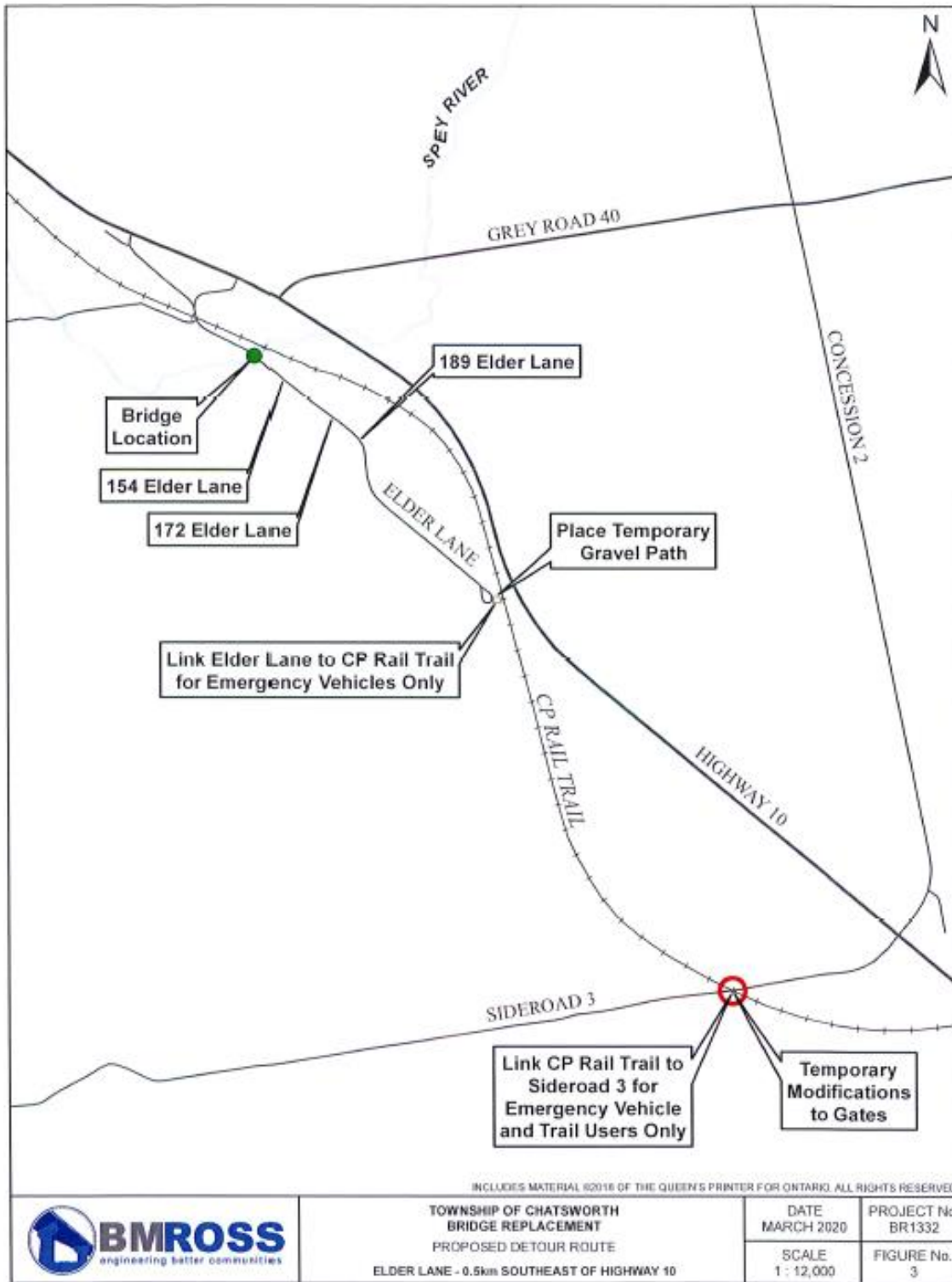
The County has received a request from the Township of Chatsworth to use a portion of the CP Rail Trail for vehicular access, to facilitate a bridge replacement on Elder Lane. Access via the trail is needed as the Township cannot get an additional access via Highway 10, and there are 3 properties on Elder Lane which will otherwise be 'land-locked' during the bridge reconstruction. The landowners will be relocated during the construction period, so the vehicles using the trail will only be emergency service vehicles, or Township vehicles used to check in on these properties during their vacancy. This agreement was initially drawn up by outside legal counsel and was reviewed by Grey County's Director of Legal Services and Clerks staff. Township staff have agreed in principle to the terms, subject to the agreement being passed by Township Council. County staff are recommending approval of the agreement.

# Background and Discussion

County staff received a request from the Township of Chatsworth to use a portion of the CP Rail Trail for access purposes, while a bridge is replaced on Elder Lane. County and Township staff have been working on this project for the past few years, and the Township has scheduled construction for later in 2020. The subject lands are located south of the former village of Chatsworth, on the west side of Highway 10. Map 1 below shows the subject lands, the bridge to be replaced, and the proposed temporary trail access. Map 2 provides more details on the works being done, and the three private properties that will be impacted during construction.



Map 1: Airphoto of the Subject Property and Surrounding Lands



Map 2: Detailed Drawing of Elder Lane and the CP Rail Trail

The temporary access would be provided from the intersection of the CP Rail Trail and Sideroad 3. Emergency service vehicles and Township vehicles will be permitted to use the trail from Sideroad 3 to the south end of Elder Lane, for the purposes of accessing properties located at 154, 172, and 189 Elder Lane. The residents of these properties would be temporarily relocated by the Township during the bridge replacement. Private access and construction vehicles would not be permitted on the trail as part of this agreement. A new temporary access to the Highway is not permitted in this location, which makes access via the trail crucial for the Township to be able to complete this construction project.

In order to connect Sideroad 3 to the south end of Elder Lane a new culvert will be installed by the Township on County lands, and an existing temporary concrete barrier will be removed. Following completion of this project the culvert will remain, but a new obstruction will be installed such that vehicles heading south on Elder Lane cannot gain direct access to the CP Rail Trail.

Other portions of the trail, including the lands to the north where Elder Lane crosses the CP Rail Trail near the County's reconstructed Culvert 21 project, would not be impacted by this agreement.

The draft agreement attached as a link to this report would protect the County from a liability perspective, facilitate the Township's needs, and still allow for the multi-use CP Rail Trail to continue.

The Planning department has worked closely with Township staff and staff from the Grey Sauble Conservation Authority (GSCA), who are contracted to maintain the County's trails. Advice has also been sought from Clerk's and Legal staff who have more technical knowledge on agreements of this nature.

The County maintains the CP Rail Trail, both as a multi-use trail and an infrastructure corridor throughout the County. Allowing for this temporary use of the trail to facilitate the bridge project would not appear to have any long-term negative impacts on the trail or trail users. County staff are recommending support for this agreement, and that a by-law be drafted for approval by County Council. Township staff have supported the agreement in principle, subject to the agreement being passed by Township Council.

Should this agreement be approved by County and Township Councils, staff will make trail users and user groups aware of this temporary arrangement on the CP Rail Trail.

## Legal and Legislated Requirements

The original agreement was drafted by outside legal counsel (Erroll Treslan, The Alliance Lawyers), as it predated the arrival of the County's Director of Legal Services. The agreement has since been further reviewed by the Clerk's department, and the Director of Legal Services. The draft agreement contains the requisite indemnity and insurance clauses needed to adequately protect the County's interests, including minimizing any risk, while allowing for the continuation of the trail use.

## Financial and Resource Implications

There are no anticipated financial or staffing considerations associated with the proposed agreement. The terms of the agreement also require that the Township carry \$10,000,000.00 in

commercial general liability insurance, and \$5,000,000.00 in automotive liability insurance.

## Relevant Consultation

Internal: Clerk's Department, Director of Legal Services, Grey Sauble Conservation Authority contract staff

External: Erroll Treslan, The Alliance Lawyers

## Appendices and Attachments

[Draft Elder Lane Agreement](#)

Respectfully submitted by,

Scott Taylor, Senior Planner