

Report TR-TAPS-72-15

To: Chair Barfoot and Members of the Transportation and Public Safety Committee
From: Patrick Hoy, Manager of Engineering
Meeting Date: October 22, 2015
Subject: Temporary Private Property Access Agreement Grey Road 31
Status: Recommendation adopted by Committee as presented per Resolution TAPS144-15; Endorsed by County Council November 3, 2015 per Resolution CC148-15;

Recommendation(s)

WHEREAS the County of Grey requires entering onto private property to widen the road platform to install guide rail and a culvert extension on Grey Road 31;

AND WHEREAS the property owner prefers not to grant an easement on title for any future bank or culvert maintenance;

AND WHEREAS the County is planning to issue a tender to complete the work on Grey Road 31 in the summer of 2016;

NOW THEREFORE BE IT RESOLVED THAT Report TR-TAPS-72-15 be received;

AND THAT the Director of Transportation be authorized to execute a Temporary Private Property Access Agreement between Grey County and the property owner for the property described as Roll number 420814000906200, PIN: 371490232, Registered Plan No. 17R616; Concession 13, Part Lot 33, Part 1 to 3 ROW, Geographic Township of Osprey, Municipality of Grey Highlands, County of Grey, Province of Ontario;

Background

Grey Road 31 is scheduled to be pulverized and paved in 2016. Culvert extensions, slope improvements and new guiderail installation are proposed for a location 1,150 metres east of Rob Roy. This area is an earth fill of approximately 5 metres and guiderail should be installed. In accordance with safety standards, guiderail is required when a slope is greater than 3:1 and is more than 3 metres high. In order to accommodate the installation of the guiderail the slope must be stabilized and flattened, requiring a culvert to be extended and work to be completed on private property. A cross section of the area is attached to this report. If the slope work is not completed, the platform widening cannot be completed and the guiderail will not be installed.

The existing end of the culvert is currently on private property and the Transportation Services Staff would prefer an easement. Staff has been in contact with the land owner since December, 2014, to obtain an easement or a widening without success. The alternatives to an easement are expropriation, the construction of a retaining wall or the execution of temporary private property access agreement. A retaining wall is estimated to cost a minimum of \$60,000. The County could pursue expropriating the land; however, this process is expensive and time consuming and consequently the project would not be completed until at least 2017.

Transportation Services Staff is recommending the execution of a temporary private property access agreement (attached), which will allow work to be completed on private property in 2016. The landowner has indicated that they would agree with a temporary private property access agreement. In the future, Grey County will require another similar agreement to complete any work required on the private property, such as any future work required on the culvert.

Financial / Staffing / Legal / Information Technology

Considerations

No direct funds will be paid to the property owner. This is the most cost effective solution to complete the required work. The work is required in order to improve the safety of Grey Road 31.

There is little risk that the property owner will make any modifications to the work completed.

Link to Strategic Goals / Priorities

The project satisfies the corporate commitment to long term investment in County owned capital assets.

Attachment

Temporary Private Property Access Agreement MacDonald Grey Road 31
Grey Road 31 Cross Section

Respectfully submitted by,

Patrick Hoy
Engineering Manager

Director Sign Off: *M.J. Kelly, Director of Transportation Services*

Grey County Temporary Private Property Access Agreement

Part 1 (To Be Completed By Construction Foreman/Area Foreman/Lead Hand):

Date: October 22, 2015

Grey County Project Description:

Roll Number 420814000906200, PIN: 371490232, Registered Plan No. 17R616; Concession 13, Part Lot 33, Part 1 to 3 ROW, Geographic Township of Osprey, Municipality of Grey Highlands, County of Grey, Province of Ontario.

- GIS photo and legal description/civic address attached of subject private property to which County access is required
- Photo of area required for access, attached (taken by County staff)
- Additional comments by Grey County regarding private property conditions prior to entry

The work includes widening of the existing road platform to accommodate three cable guiderail; installing a 2 metre extension to the existing culvert; placing erosion protection in the form of rock on the resulting slope; and, planting new vegetation integral with the rock slope. An agreement is required to accommodate this work since the road platform widening will create a slope that encroaches onto the Owner's Lands. All works are to be constructed approximately within the 'Slope Stabilization Area' as shown on the attached Drawing No. 15206-SK1-R1 (June 25, 2015), prepared by the County of Grey. The following conditions - to be met at the County's expense - have been requested by the Owner and approved by the County: The newly reconstructed slope shall be re-vegetated with local species to preserve the natural appearance of the property.

Name(s) of Owner(s):

[REDACTED]
[REDACTED]

Owners Mailing Address (Including Postal Code):

[REDACTED]

Telephone Number(s):

[REDACTED] _____ _____

Part 2 (To Be Completed By Property Owner):

I/we hereby agree to allow the employees and contractors of Grey County access across my property located at Lot _____, Concession _____ in the (former) Township of _____, with civic address of _____.

Statement of Original Condition of Property:

- Access route has been marked on attached GIS air photo
- Areas of concern that must be avoided, such as septic beds, cropped areas, etc., and any other special features have been marked on GIS air photo, as necessary

Additional comments regarding private property conditions, restrictions regarding access, etc., if any, prior to Grey County entry:

Access is granted between _____ and _____
[insert start date] [insert end date]

The purpose of access by the employees and contractors of Grey County is to carry out necessary improvements to Grey County property and is limited to work related to the project described above. Once the Work is completed, Grey County shall restore any affected lands on the Property to preconstruction conditions including removing any imported materials, replacing topsoil from stockpile grading and overall site restoration to the satisfaction of both Grey County and the Owner(s). I/we will in no way hold the employees or the County of Grey responsible for any damage which may occur to my/our real property, personal property or trees during or after this project is complete provided that damage does not occur as a result of negligence or willful misconduct by the employees of the County of Grey.

Signing By Property Owners:

If property owned by individuals: If property owned by a corporation:

Owner Name of Corporation

Owner Per:
Signature

Date Print Name

I have authority to bind the company.

Signed by the Corporation of the County of Grey (Grey County):

Grey County hereby acknowledges and shall abide by the instruction provided within this access agreement by the property owner(s). At the conclusion of the access period, Grey County agrees to leave the subject private property in the same condition as it was prior to the access period.

Michael J. Kelly, Director of Transportation Services Date

Property Owner's Acknowledgement of Property Condition and Final Release:

Part 1(Completion By County Staff):

I hereby acknowledge the conclusion of activities relating to the Access to Private Property Agreement for this property and with this property owner(s). The condition of the subject section of this private property has been remediated to the condition agreed upon in the Temporary Access to Private Property Agreement.

Print Name Signature
Construction Foreman/ Area Foreman/Lead Hand
Transportation Services Dept.

Date

Part 2 (To Be Completed By Property Owner):

- I Agree with the above statement by the County
- I Disagree (please provide explanation here):

I now hereby release and forever discharge the County of Grey from any further responsibility to rehabilitate my subject property.

All Registered Property Owners To Sign:

Owner's Signature Date

Owner's Signature Owner's Signature

If property owned by a corporation:

Print Corporation Name

I/We have the authority to bind the corporation. _____
Date

Print Name Print Name (if 2nd signature is necessary)
Per: _____ & Per: _____
Signature Signature (if 2nd signature is necessary)

