

Report PDR-PCD-11-14

To: Chair Wright and Members of the Planning and Community Development Committee
From: Sarah Morrison, Intermediate Planner
Meeting Date: April 15, 2014
Subject: **Easement Request - Enbridge**
Status: Recommendation adopted as amended per Resolution PCD46-14 by requiring Enbridge to register with ON1Call; Endorsed by County Council per Resolution CC59-14 May 6, 2014;

Recommendation(s)

WHEREAS a request has been received from Enbridge Gas Distribution Inc. to grant an easement on title across the CP Rail Trail;

NOW THEREFORE BE IT RESOLVED THAT Reports PDR-PCD-11-14 regarding an easement request be received;

AND THAT staff be directed to enter into an easement agreement with Enbridge Gas Distribution Inc. for property located at Lots 211, 212, 213 Concession 3 SWTSR, Township of Proton, Township of Southgate, to allow for a utility corridor over the CP Rail Trail;

AND THAT a By-Law be prepared for County Council's consideration to register the easement across County property;

AND THAT all costs associated with registering the easement be borne by Enbridge.

Background

Grey County took possession of the abandoned rail right of way in 2004. Since then it has been developed into a multi-use recreational trail. There are a number of properties that are bisected by the CP Rail Trail. Information from the County's solicitor in 2012 indicates that any works to be completed on County property to the benefit of the adjacent landowner requires a legal easement.

A request has been received from Enbridge Gas Distribution to have Grey County consider registering an easement on title for a portion of Lots 211, 212, 213 Concession 3 SWTSR, Township of Proton, Township of Southgate, for the purpose of a utility corridor on said property. A map has been included in the report for ease of reference. A reference plan has been requested and will be obtained by Enbridge's solicitor once approval by Grey County for the easement request has been received and prior to the By-Law being presented to County Council for consideration.

It should be noted that the location of the proposed gas line will not interfere with future trail maintenance activities. The provisions in the easement agreement protect the interests of the County. The agreement has been reviewed as per the County's Agreement Procedure.

Financial / Staffing / Legal / Information Technology

Considerations

There will be some costs associated with registering the easement. However, as noted in the resolution, these costs will be borne by Enbridge and there will be no cost to the County. Once the easement is complete, it will be registered on title with the property. Having an easement on title will not impact the trail itself as this is considered a crossing only and the trail will remain the property of the County in its entirety.

There are no IT considerations related to this request.

Link to Strategic Goals / Priorities

Not Applicable.

Attachments

Draft Agreement: [Enbridge Draft Agreement](#)

Respectfully submitted by,

Sarah Morrison, Hons. BA, MCIP, RPP
Intermediate Planner

Director Sign Off: *Randy Scherzer*