



TOWN OF
HALTON HILLS
Working Together Working for You!

REPORT

TO: Mayor Bonnette and Members of Council

FROM: Kevin Okimi, Director of Parks and Open Space

DATE: June 18, 2021

REPORT NO.: RP-2021-0010

SUBJECT: Upper Canada College Trail: License Agreement
File: L04 UCC

RECOMMENDATION:

That Report RP-2021-0010 dated June 18, 2021 regarding Upper Canada College Trail: License Agreement be received;

AND FURTHER THAT the Mayor and Clerk be authorized to execute a License Agreement with Upper Canada College for a public use trail as outlined in Report RP-2021-0010 subject to approval of the 2022 Capital Budget and forecast.

KEY POINTS:

The following are key points for consideration with respect to this report:

- Council approved entering into a Memorandum of Understanding with Upper Canada College in December 2020, and directed staff to negotiate a final license agreement with respect to the establishment of a public use trail.
- Staff have worked with the Town's legal counsel and negotiated a license agreement with Upper Canada College.
- Staff recommend that the Mayor and Clerk be authorized to sign the license agreement once the 2022 Capital Budget is finalized, in order to proceed in a timely manner with the project.

BACKGROUND AND DISCUSSION:

The purpose of this report is to seek Council approval to enter into a License Agreement with Upper Canada College as a formal agreement to govern the terms for the development of a public use trail on Upper Canada College lands.

In December 2020, the Town entered into a Memorandum of Understanding with Upper Canada College with respect to the construction of a public use trail on Upper Canada College lands. The MOU is attached as Appendix A. The location of the trail is adjacent to the Enclaves of Upper Canada Subdivision, and is shown in Schedule A of Appendix A.

Staff have consulted with the Town's legal counsel to prepare a draft license agreement to outline the details of the operation of the future trail. This draft license agreement has been reviewed by Upper Canada College, and they are in agreement with the terms.

The key terms of the agreement are as follows:

- The Town can construct and operate a public use trail on Upper Canada College Lands.
- The Town is responsible for operating and maintenance costs, including enforcement of the Town's trail regulations which will be posted at the trail entrances.
- The term of the license is for 20 years, and is automatically renewed for subsequent 5 year terms.
- The Town will maintain the trail to the same level of service as existing Town trails.
- Each party will provide insurance and indemnify the other party for any claims due to each party's actions.
- The Agreement may be terminated if the Town does not fulfill its obligations or makes substantial changes to the Trail Regulations.

In order to ensure a timely completion of the project, staff are requesting authorization to enter into a license agreement be approved now since negotiations with UCC have concluded, so that the final agreement form is agreed upon with UCC and the Town in advance of the 2022 Capital Budget process, and to facilitate a timely execution of documents once the 2022 Capital Budget is approved.

Staff are recommending that the Mayor and Clerk be authorized to enter into this License Agreement, subject to approval of the project as part of the 2022 Capital Budget.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies transportation as one of the Town's Strategic priorities. Getting around is safe for residents of all ages through a combination of traffic calming and active transport priority routes and trails.

Sustainable Development Goals: Ensure healthy lives and promote well-being for all at all ages.

RELATIONSHIP TO CLIMATE CHANGE:

This report impacts and/or helps address climate change and the Town's Net Zero target through climate mitigation. Providing additional trail linkages encourages residents to increase active transportation and reduce reliance on automobiles for travelling to destinations.

PUBLIC ENGAGEMENT:

Public Engagement has been conducted as follows:

The UCC Trail was included in the Norval Community Consultation in 2018 which included a public workshop, and consultation on the Let's Talk Halton Hills site. Broad support was received for the trail. Consultation has also occurred with community partners such as Norval Community Association, the Bruce Trail, and Willow Park Ecology Centre. The proposed trail was also identified as part of the Active Transportation Master Plan (2020) which included a comprehensive public consultation program. The Trail is part of the Credit Valley Trail system which has had extensive consultation through Credit Valley Conservation Authority.

Public Engagement will be included as part of the detailed design and construction process to obtain input on the details of the trail design; consultation with Communications staff to follow.

INTERNAL CONSULTATION:

Staff consulted with finance staff as well as the Town's Legal Counsel in the preparation of the License Agreement.

FINANCIAL IMPLICATIONS:

This report has the potential to require funding in a future budget year and therefore needs to be referred to budget committee for tracking purposes.

Per the terms of the MOU and License Agreement, the Town would fund capital trail construction and provide routine maintenance as if it were a public trail on Town property. The cost estimate for the construction is \$200,000, with an annual operating cost of approximately \$4,000 per year, and will be incorporated into the 2022-2032 Capital Budget and Forecast as part of the Active Transportation Master Plan proposed off road trail network implementation.

Staff are recommending that the License Agreement be signed upon approval of the 2022 Capital Budget. If capital funds are not approved, the agreement will not be executed.

Reviewed and approved by,

A handwritten signature in black ink, appearing to read "Warren Harris".

Warren Harris, Commissioner of Recreation and Parks

A handwritten signature in black ink, appearing to read "C. Mills".

Chris Mills, Acting Chief Administrative Officer