



## REPORT

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**TO:** Mayor Bonnette and Members of Council

**FROM:** Romaine Scott, Legal Coordinator

**DATE:** October 25, 2021

**REPORT NO.:** PD-2021-0065

**SUBJECT:** Proposed Construction License Agreement with  
2467766 Ontario Inc. (Amico McGibbon Development)  
69-79 Main St. & 94-98 Mill St., Georgetown

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### RECOMMENDATION:

THAT Report No. PD-2021-0065 dated October 25, 2021 regarding the proposed Construction License Agreement with 2467766 Ontario Inc. (Amico McGibbon Development) located at 69-79 Main Street and 94-98 Mill Street, be received;

AND FURTHER THAT Council pass a by-law authorizing the Town to enter into a construction license agreement with 2467766 Ontario Inc. to grant certain rights and permissions in and pertaining to the use of parts of the adjacent road allowance and Town-owned lands to facilitate the construction of the proposed development;

AND FURTHER THAT such Construction License Agreement shall be in a form and content to the satisfaction of Town Administration.

### KEY POINTS:

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

- 2467766 Ontario Inc. has requested that the Town enter into a construction license agreement with the proponent that grants certain rights and permissions pertaining to the use of Town-owned lands to facilitate the demolition of the McGibbon Hotel and other on-site buildings, and the construction of the proposed condominium development located at 69-79 Main Street North and 94-98 Mill Street (Georgetown). This includes portions of the Main Street South and Mill Street road allowances and parts of the Back Street and Edith Street parking lots.

- The permissions granted under the construction license agreement may be staged and the scheduling will be managed by Development Engineering staff.
- The owner will be required to provide security along with adequate commercial general insurance coverage and indemnify the Town against any possible loss or injuries.
- The owner will be required to obtain any additional permits from the Town or external agencies before this license is granted.
- The agreement will only be signed by the Town when all the required planning approvals and permits have been issued.
- The developer is currently seeking the required Council approvals and would like the opportunity to proceed once those approvals have been issued at the discretion of Town Council.
- The map attached as Schedule “A” to this report generally depicts the locations of the development site and the Town-owned parking lots.

## **BACKGROUND AND DISCUSSION:**

The developer has made an application for the development of a residential condominium building with a commercial component and underground parking at 69-79 Main Street and 94-98 Mill Street, Downtown Georgetown. Report PD-2021-0064, which is included as part of the November 15, 2021, Council agenda, provides recommendations on the disposition of the revised Zoning By-law Amendment application submitted by Amico Properties.

All the existing buildings on-site are currently vacant and are proposed to be demolished. The front façade of the McGibbon Hotel is intended to be reconstructed with the existing bricks and incorporated into the proposed condominium development.

Due to the development site being in close proximity to the public streets and the Back Street municipal parking lot, it is necessary for the developer to temporarily encroach on these lands to facilitate construction.

The construction license agreement will permit the developer to temporarily use, encroach and encumber the adjacent Town-owned lands, including portions of the Main Street South and Mill Street road allowances, and parts of the Back Street and Edith Street municipal parking lots for the purposes of installing hoarding, sidewalk detour, tiebacks and shoring, construction staging, temporary encroachments, crane swing, and to generally support the proposed condominium development, once the appropriate approvals have been issued by the Town, at the discretion of Town Council.

The construction license agreement will allow Development Engineering staff to issue and manage the respective permissions required to allow the developer to use, encroach and encumber the adjacent streets and Town parking lots during the construction period, including the preliminary pre-construction phase, (i.e., demolition of

the existing buildings), until the project is completed. This will include the timing of road closures and managing the use of the parking lots to ensure public safety.

The term and conditions of the construction license agreement will be to the discretion of the Town. The Town may cancel this license based on non-performance, unreasonable delays, or general default under the terms of agreement.

It may be necessary for the developer to obtain separate permission(s) from the other adjacent property owners, where required, to further facilitate the development.

#### **STRATEGIC PLAN ALIGNMENT:**

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

#### **RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

#### **PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

#### **INTERNAL CONSULTATION:**

There has been consultation among staff from Transportation & Public Works and Planning & Development departments.

#### **FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

John Linhardt, Commissioner of Planning and Development

Chris Mills, Acting Chief Administrative Officer