

REPORT

REPORT TO: Chair and Members of Planning, Public Works & Transportation Committee

REPORT FROM: Romaine Scott, Legal Coordinator
Planning & Sustainability

DATE: June 11, 2018

REPORT NO.: PLS-2018-0053

RE: Proposed License Agreement with CRH Canada Group to allow underground crossings for private water management system and off-road quarry vehicles for the Acton Quarry

RECOMMENDATION:

THAT Report No. PLS-2018-0053 regarding authorizing the Town to enter into a License Agreement to allow various underground crossings for a private water management system and off-road quarry vehicles for the benefit of Acton Quarry be received.

AND FURTHER THAT staff be authorized to bring forward a by-law to authorize the Mayor and Clerk to sign a License Agreement with CHR Canada Group to allow the installation of various underground crossings for a private water management system, and the operation of off-road quarry vehicles on Town roads, for the benefit of the Acton Quarry, for the period of 10 years with the option for an extension of a further 10 years.

AND FURTHER THAT such License Agreement shall be in a form and to the satisfaction of Town Administration, and that the option for a further 10-year extension of the License Agreement may be granted at the sole discretion of the Town's Commissioner of Transportation & Public Works.

BACKGROUND:

CRH Canada Group Inc. ("CRH") is the beneficial owner of several parcels of land located on both sides of the Road, upon which it operates the Acton Quarry which is duly licensed to extract and process mineral aggregates in the Town. In order to facilitate the movement of ground water between the various phases of its operations, it is necessary for CRH to install the apparatus necessary to create underground crossings at several separate locations under the Road to facilitate a private water management system for the benefit of the Acton Quarry.

CRH has also requested the Town's permission to operate off-road quarry vehicles on and across specific sections of the Road while those sections continue to be open to the public. In this regard, CRH has agreed to finance the installation and operation of the traffic control signals necessary to allow the public use of these sections of the Road concurrent with the crossings for the off-road quarry vehicles.

The proposed locations of the various crossings are generally located in the areas of 22 Side Road and the Third Line and are shown on the map attached to this Report as Appendix "1".

COMMENTS:

CRH has agreed to enter into a License Agreement with the Town to facilitate the crossings for its ongoing operations including the recent expansions of the Acton Quarry. The salient conditions of the Agreement are as follow:

- 1) The agreement shall be for a term of 10 years with the option for an extension for a further 10 years at the discretion of the Town's Commissioner of Transportation & Public Works;
- 2) All costs associated with the crossings including the cost for installing and operating the necessary traffic control signals shall be borne by CRH and there shall be no cost to the Town;
- 3) The Town has agreed to maintain the Traffic Control Signals System in accordance with *Ontario Regulation 239/02* Minimum Maintenance Standards for Municipal Highways, as amended by *Ontario Regulation 47/13*, and as amended from time to time;
- 4) CRH has agreed to compensate the Town for all operating costs associated with the Traffic Control Signals System, which may include electrical power and communications costs;
- 5) CRH shall provide the Town with a survey prepared by an Ontario Land Surveyor, showing the locations of the underground and surface crossings, to the satisfaction of the Town;
- 6) CRH shall remove or decommission the works related to the crossings and restore the licensed areas to their original state to the satisfaction of the Town, within thirty (30) days of the expiration or termination of the Agreement;
- 7) CRH shall provide a security of \$100,000.00 for the term of the Agreement; and
- 8) CRH shall indemnify and insure the Town.

RELATIONSHIP TO STRATEGIC PLAN:

This is a procedural issue and has no relationship to the Town's Strategic Plan.

FINANCIAL IMPACT:

There is no financial impact to the Town with respect to this Report.

CONSULTATION:

There has been consultation between the Owner and with staff of the Transportation & Public Works Department.

PUBLIC ENGAGEMENT:

No public engagement is required for this Report.

SUSTAINABILITY IMPLICATIONS:

There is no sustainability implication with respect to this Report.

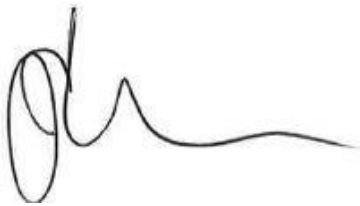
COMMUNICATIONS:

There is no communications impact with respect to this Agreement.

CONCLUSION:

Staff has, in consultations with CRH staff and its solicitor, reviewed the draft License Agreement and found the terms and conditions to be satisfactory. Staff therefore recommends that Council pass the by-law necessary to authorize the execution of the Agreement to allow the Acton Quarry to effectively continue its operations in the Town.

Reviewed and Approved by,



John Linhardt, Commissioner of Planning and Sustainability



Brent Marshall, CAO