



REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Romaine Scott, Legal Coordinator
Planning & Development

DATE: October 6, 2020

REPORT NO.: PD-2020-0052

RE: License Agreement to allow a private owner to install monitoring wells below the surface of Guelph Street, Georgetown

RECOMMENDATION:

THAT Report No. PD-2020-0052 dated October 6, 2020 regarding the License Agreement to permit the installation of monitoring wells below the surface of Guelph Street, Georgetown, in order to conduct water/soil sampling, testing and monitoring activities, be received;

AND FURTHER THAT Council enact the necessary by-law to authorize the Mayor and Clerk to execute the License Agreement with the applicant, for the purpose of installing monitoring wells to conduct sampling, testing and monitoring activities below the surface of Guelph Street, Georgetown for a period of 10 years with the option for renewal for a further 5 years.

AND FURTHER THAT such the terms and conditions of the License Agreement be to the satisfactory to the Commissioner of Transportation & Public Works.

BACKGROUND:

Suncor Energy Products (the "Applicant") has applied to the Town for permission to install monitoring wells in order to conduct water/soil testing and sampling activities below the surface of Guelph Street for the benefit of the adjacent property located at 89 Guelph Street in Georgetown (the "Property"). Suncor Energy Products is the previous owner of 89 Guelph Street. The Property is currently undergoing environmental site assessment and in order to complete these works, it is necessary to extend the areas of assessment to the adjacent Guelph Street right-of-way.

The location of the Property and the general locations of the proposed monitoring wells are shown on the drawing accompanying this Report.

Once the wells are installed, the Applicant will access the right-of-way occasionally to conduct sampling, testing and monitoring activities for a period of 10 years with the option to renew of a further 5 years, if required.

COMMENTS:

Staff has reviewed the request for access and has no objections to the Town permitting access to the right-of-way for the purposes set out in this Report, subject to the Applicant entering into a License Agreement with the Town.

The following is a list of the salient conditions of the License Agreement that is required to formally grant the Applicant the permission to access the right-of-way and to install the wells and conduct the necessary testing/monitoring activities:

- The Term of the License Agreement will be for a period of 10 years with the option of renewing for a further 5 years.
- The Applicant will fully indemnify and hold harmless the Town, and add the Town as an additional insured to its commercial general liability insurance policies for a minimum coverage of \$5M for the entire Term of the license.
- The Town will be provided with drawing(s) showing the locations of the monitoring wells once they have been installed.
- At the end of the Term or upon termination of the Agreement, the Applicant will decommission the wells and complete the necessary improvements to the right-of-way to the satisfaction of the Town. The decommissioning and restoration will be at the cost of the Applicant.
- The Town will hold security to ensure total cost recovery and administration fee for the decommissioning of the monitoring wells and the restoration of the right-of-way. Such security will be in a form and an amount acceptable to the Town.
- The Applicant will apply for and obtain an excavation permit from the Town for the initial installation of the monitoring wells and re-apply for and maintain an excavation permit on an annual basis for the on-going monitoring of the wells.
- The Applicant will be solely responsible for all costs associated with the installation, maintenance and decommissioning of the monitoring wells.
- The Applicant will be required to provide the Town with a summary report of the testing results.
- The Applicant will be responsible for exercising the appropriate traffic control during the initial installation of the works and during the testing, monitoring and decommissioning events.

RELATIONSHIP TO STRATEGIC PLAN:

This is an operational issue. This report has no bearing on the Town's Strategic Plan.

FINANCIAL IMPACT:

The Applicant has paid the Town's fee for the preparation and administration of the License.

CONSULTATION:

In addition to consultations with the Applicant, there has also been consultations among staff from Planning & Development, Transportation & Public Works, and Corporate Services.

PUBLIC ENGAGEMENT:

There is no public engagement with respect to this Report.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life. However, the recommendation outlined in this report is not applicable to the Strategy's implementation.

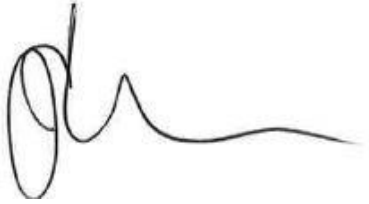
COMMUNICATIONS:

There are no communications implications with respect to this Report.

CONCLUSION:

The Applicant has provided the necessary fees and documentation and is prepared to enter into the License Agreement as set out herein. Staff recommends that Council pass the necessary by-law to authorize the Mayor and Clerk to execute the License Agreement to allow the installing of the monitoring wells on Guelph Street, Georgetown, to conduct the sampling, testing and monitoring activities described herein.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to be 'J. Linhardt', with a long horizontal flourish extending to the right.

John Linhardt, Commissioner of Planning and Development

A handwritten signature in black ink, appearing to be 'C. Mills', with a large, stylized 'M' and a horizontal line crossing through it.

Chris Mills, Acting Chief Administrative Officer