
HALDIMAND COUNTY

Memorandum PED-PD-M04-2017 Caledonia Old Mill – Revised Licensing Agreement



For Consideration by Council on December 11, 2017

To: Mayor Hewitt and Members of Council
From: Mike Evers, MCIP, RPP, BES, Manager of Planning & Development

As Council is aware, the appeals to the Caledonia Old Mill development applications have been settled and the Ontario Municipal Board (OMB) has approved the Official Plan and Zoning By-law amendments relating to the project. As the project now moves forward, there are a number of implementation matters that will need to be addressed, including site plan approval, completion of land transfers with the Grand River Conservation Authority (GRCA) and the completion of a licensing agreement/trail easement between the developer and the County. The purpose of this memo is to deal with the latter implementation matter to:

1. Obtain authorization to amend the previously approved License Agreement to include additional County-owned lands resulting from the settlement process; and
2. Acquire an access easement for public trail purposes across the private lands.

The subject lands are shown on Attachment 1 and the legal description is included as Attachment 2.

ANALYSIS:

In order to facilitate the development, the County previously authorized a License Agreement for parking and the construction and maintenance of a public trail through Report PED-PD-41-2016. Essentially, the developer was to construct and maintain a parking area that would be used by the offices during the day and which would be available to the public evenings and weekends. The developer was also to provide an easement allowing for public access to a trail crossing the private property. The development approval was appealed to the Ontario Municipal Board; however, through a recent OMB hearing a settlement was reached, the details of which were included in Private and Confidential Report PED-PD-33-2017. As a result of the settlement, the development footprint of the parking areas has changed and now includes two separate parking lots which extend onto lands the County is in the process of obtaining from the GRCA. These lands (to the west) are planned to accommodate up to 12 parking stalls and include a further extension of the riverside trail. The changes to the development plan stemming from the settlement now require changes to the previously presented Licensing Agreement to reflect the new parking configuration and an easement over private property for public access of the portion of the trail that links the west and east sections.

1. License Agreement:

The License Agreement will provide the required parking areas for the Old Mill development during regular office hours and provide public parking areas all other times (i.e. weeknights, weekends and holidays). The planned parking areas are located on the east and west side of the Old Mill property to facilitate the necessary parking spaces for the development. The license rate will be \$1 annually for these shared parking areas and all construction and maintenance costs will be the responsibility of the Old Mill/Licensee. A draft of the License Agreement is included as Attachment 3.

2. Public Trail over Private Lands:

The developer is required to construct a trail over private property to facilitate linkage of the west and east ends of the public trail. To establish this, an easement is required that will allow public access on the easement. The suggested easement site runs along the current location of the Old Mill building as illustrated on Attachment 1. The easement will be for public trail purposes and all construction and maintenance costs will be the responsibility of the developer (Old Mill). A draft of the easement schedule is included as Attachment 4.

BUDGET/LEGAL IMPLICATIONS:

The developer (Old Mill) will be responsible for all construction and maintenance costs related to the License Agreement and trail easement.

As a result of the OMB settlement, title to lands in this area will need to be addressed prior to execution of the agreements, all costs of which will be borne by the developer.

ADDITIONAL RECOMMENDATIONS:

The following recommendations are proposed in addition to those previously presented as part of Report PED-PD-41-2016:

1. AND THAT a License Agreement, between The Corporation of Haldimand County and the abutting owner, 2494134 Ontario Inc., be entered into for the construction, realignment and continued maintenance of the parking areas and public trail, as identified on the sketch in Attachment 1;
2. AND THAT a public access easement be granted over Part of PIN # 38162-0010(LT) being Part of Lot 13, Plan 331, Oneida, designated as Part 2 on 18R-1671; Haldimand County, and Part of PIN # 38162-0009(LT) being Part of Forfar Street, Plan Town of Caledonia, designated as Parts 1 & 2 on 18R-7468, Haldimand County, and commonly known as The Old Mill in Caledonia, and identified on the sketch in Attachment 1;
3. AND THAT a By-law be presented to authorize the License Agreement and Access Easement;
4. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

ATTACHMENTS:

1. Location Map.
2. Legal Description.
3. Draft License Agreement.
4. Draft Easement Schedule.