

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Friday, November 13, 2015				Report Date	Wednesday, November-11-15			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Northern Graphite – Request to Use Unopened Road Allowances- Report #13/11/15/1101

Subject:

Response to request from Northern Graphite for use of Unopened Road Allowances

RECOMMENDATION:

That Council refer this draft to legal counsel.

WHEREAS an agreement for the use of a mining company of unopened municipal road allowances is uncharted territory with the potential for unforeseen challenges;

AND WHEREAS consult with the County planning department recommends seeking legal opinion;

THEREFORE BE IT RESOLVE THAT the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to refer this issue to the municipal solicitor for agreement review and advice.

BACKGROUND/EXECUTIVE SUMMARY:

Pretty self-explanatory. Not having any experience with this type of request advice was sought from the county planning department.

They pointed out that significant areas of concern which were not addressed include:

1. Right to terminate and notice period;
2. Protection of environment on our lands;
3. Need to acquire all necessary permits;
4. No obligation to provide the suggested donation – annual fee should be outlined;
5. Insurance certificate;
6. 3rd party liability protection – ATV user/or staff injured on road allowance once cleared?

A copy of the draft has been included for your reference. Please advise any other significant omissions or questions.

Options/Discussion:

Council decision to proceed either through referring this to legal counsel at our own cost or by advising Northern Graphite that if we are to proceed they will be required to pay all legal fees?

Decline use of the unopened road allowances.

Financial Considerations/Budget Impact:

Legal on the municipal dime or costs to be borne by Northern Graphite? For other land use and planning issues, costs are the responsibility of the requesting party. The last issue referred to legal counsel – review of the Municipal Alcohol Policy draft resulted in fees of approximately \$700.

Policy Impact:

As per policy.

Others Consulted:

County of Renfrew Planning Department
Stantec, Environmental Planning

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk *Melinda Reith*