

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Licence Agreement – Bruce Trail Conservancy
DATE: 2023-03-21
REPORT #: OPS-23-020
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DEPARTMENT: Operations Services

BACKGROUND INFORMATION

The purpose of this report is to inform Council of a Licence Agreement to be entered into between the Corporation of the Town of Niagara-on-the-Lake (the "Town") and the Bruce Trail Conservancy (the "BTC").

The need to enter into a Licence Agreement results from a request from the BTC to locate a portion of a proposed Trail on the Town's Unopened Road Allowance south of York Road and Concession 2 Road to connect the Upper Canada Heritage Side Trail to the main Bruce Trail.

The BTC has provided a Licence Agreement typically used when entering into such agreements with government agencies and private landowners. The Town's solicitor has reviewed the agreement and has no issues with the terms of the agreement as drafted. Legal Counsel has also confirmed that the indemnity and insurance requirements are satisfactory to protect the Town from claims by users of the Trail and that there is language to permit the Town to terminate the licence without cause with 12 months' notice.

The agreement permits the BTC to construct, inspect and maintain the Trail at the expense of the BTC in a clean and safe condition for pedestrian travel by the public. The precise location and route of the Trail shall be mutually agreed upon by the BTC and the Town and flagged in the field to the satisfaction of both the BTC and the Town before the development of the Trail begins. The BTC will ensure that the Trail is marked and signed. Additionally, the Town will review and approve any proposed tree removal in advance.

The BTC shall construct and maintain the Trail, subject to the terms of the attached agreement (**Appendix I**). A site map of the proposed Trail located within the Town's unopened road allowance is included as Appendix C of the Licence Agreement (**Appendix I**) for Town Council's reference.

NEXT STEP / CONCLUSION

Upon Town Council's receipt of the Information Report, a By-law will be prepared by the Clerk's Office for the upcoming Council meeting on March 28, 2023, authorizing the Lord Mayor and Town Clerk to sign and enter into an agreement with the BTC. Following the approval of the By-law, the Town's Operations Department will advise the representatives of the Bruce Trail Conservancy of Town Council's decision and work with the BTC to determine the Trail's location before construction commences in 2023.

ATTACHMENTS

- **Appendix I** – Licence Agreement – Bruce Trail Conservancy