

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2018-005

Date: January 30, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier:

Subject: CKL 47 Haul Route Agreement

Author Name and Title: Mike Farquhar Supervisor of Technical Services

Recommendation(s):

RESOLVED THAT Report ENG2018-005 **CKL 47 Haul Route Agreement** be received; and

THAT the Mayor and Clerk be authorized to execute and sign the haul route agreement attached as Appendix B to Report ENG2018-005.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

In 2015 the County of Simcoe initiated with the City discussions on upgrading CKL Road 47 based on the boundary road agreement (dated December 23, 2014) for capital structural and surface improvements to the road. Based on that boundary road agreement the City is responsible for half of the capital cost for improvements to CKL 47. Through these discussions and review the pre-existing haul route agreement for Miller Paving for both Municipalities was examined and determined to be in need of updating. The existing haul route agreement is attached as Appendix-A. The proposed replacement agreement as attached as Appendix- B is specific to the use and upgrade of CKL 47 from Scotts Road to the Intersection of the boundary road and Simcoe Road 47, it outlines the responsibilities of Simcoe County, City of Kawartha Lakes, Miller Paving Limited and RW Tomlinson Limited specific to the use and cost sharing of this section of road.

Due to timing and condition of the section of CKL 47, Simcoe County initiated the improvements on CKL 47 over 2016/2017 through the joint boundary road agreement while Simcoe and the City were negotiating the final terms of this agreement with Miller Paving and RW Tomlinson. Since that time the upgrade to CKL 47 has been completed based on the agreed upon design standards for a haul route and contributions to the work have been collected by Simcoe County from all parties based on the ¼ divisions of final costs. The City's portion had been budgeted in 2016 through the Capital budgeting process and paid to Simcoe County in 2017. All parties to the agreement excluding the City have now executed the agreement. This report brings forward the agreement for Council approval to authorize the Mayor and Clerk to sign the agreement.

Rationale:

There was a need to update the previous haul route agreement with the previous aggregate producers for the use of CKL 47. This new agreement will be further more to the original one, as the old agreement did not include other aggregate producers who use this section of the boundary road. By having this new agreement in place it lessens the cost for the City for any current or future work. Without it the City would be responsible for a ½ share with Simcoe County for all current and future capital costs. Also, by having this agreement in place it brings us in line with the recommendations of the Aggregate Secondary Plan for the City in regards to haul route agreements. The aggregate producers that are parties to this agreement have shown a great willingness to work with both municipalities to ensure upkeep of this section of CKL 47.

Other Alternatives Considered:

An alternative would be not to sign the agreement. However this is not recommended as it would burden the City and Simcoe County with a higher cost for the current upgrades and future upgrades.

Financial/Operation Impacts:

The final cost to the City for the improvements made to CKL 47 based on the agreement is \$223,218.51. These monies had been already budgeted within the 2016 Capital budget for CKL 47 and since invoiced for by Simcoe County. Simcoe County has also collected the required share from Miller Paving and RW Tomlinson as outlined in the attached agreement.

The agreement provides for a cost recovery option, to reimburse the City and the other signatories to the agreement, for future aggregate users of the haul route.

The agreement requires the City to expend future Staff time associated with capture of this recovery – including negotiating this into haul route agreements and arguing disputes to this requirement before the Ontario Municipal Board.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Providing life safety and protection, while considering rural road use for pedestrians and cyclists enjoyment is a priority objective of the City under the Council Adopted Strategic Plan Goal of An Exceptional Quality of Life.

Consultations: Legal Services

Attachments:

Appendix A- Existing Haul Route agreement



Appendix A (2)
existing haul route ag

Appendix B – Road use/upgrade agreement for CKL 47



Appendix B Haul
route agreement for CKL 47

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Department Head: Juan Rojas, Director of Engineering & Corporate Assets

Department File: Engineering