

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

Type of Decision									
Meeting Date	Thursday, January 14, 2016				Report Date	Tuesday, January 12, 2016			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Road Allowance Lease for Northern Graphite- Report #14/01/16/1101

Subject: Request for lease of unopened road allowances by Northern Graphite.

RECOMMENDATION:

WHEREAS Council has received a request to lease the unopened road allowances crossing the leased lands being used by Northern Graphite for mining purposes;

AND WHEREAS there is some concern with liability, remediation and ownership;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to not proceed with this agreement until further consideration is given by Council at the next Committee of the Whole meeting.

BACKGROUND/EXECUTIVE SUMMARY:

Staff have some concerns, as raised through the draft included for your review by our solicitor.

His email stated...."One other option to consider is to simply sell the road allowances to the mining company and then all liability would be transferred. If there is a concern that the roads might be needed by the municipality at some point in the future we could use an option to repurchase. There is a risk that with a sale that the lands will not be remediated to a state that the Township would want to take ownership again. If contamination is a risk, the lease may give more control, but also increases liability."

Options/Discussion:

Council needs to review the draft from the solicitor and advise staff on how to continue. Mr. Fleming has raised some significant concerns. How does Council wish to proceed?

Financial Considerations/Budget Impact:

Policy Impact:

As per policy.

Others Consulted:

Tony Fleming, Cunningham/Swan

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith