



THE DISTRICT MUNICIPALITY OF MUSKOKA

ENGINEERING & PUBLIC WORKS COMMITTEE

5a

May 21, 2014

R53/2014-PW

MOVED BY: Robert Japox

SECONDED BY: J. H. W. Klund

to take effect October 20, 2014

THAT subject to the conditions set out in Attachment No. 1, the following applications for access permits and roadway occupation permits submitted on behalf of the Ontario Ministry of Natural Resources in respect of the Ministry's lands identified as Parcels A, B and C in Attachment No. 2 be approved:

- 1) A temporary commercial access permit from Muskoka Road 169 to Parcel A;
- 2) A permanent commercial access permit from Muskoka Road 169 to Parcel B;
- 3) A permanent roadway occupation permit in respect of lands to be occupied by a hydro pole adjacent to Parcel C;
- 4) A permanent roadway occupation permit in respect of lands to be occupied by a hydro pole adjacent to Parcel B; and
- 5) A permanent roadway occupation permit in respect of lands to be occupied by a hydro line either under or over Muskoka Road 169 from lands adjacent to Parcel B to lands adjacent to Parcel C; and;
- 6) A temporary roadway occupation permit in respect of lands to be occupied by a road widening south of Parcel B.

Carried ✓

Defeated _____

Bob Cherry
Chair

Attachment No. 1

**Conditions To Be Attached To Permits Pertaining To Lands Owned
By The Ontario Ministry Of Natural Resources Abutting Muskoka Road 169
In The Community Of Bala, In The Township Of Muskoka Lakes**

- i) Access permit number 1) shall expire two years from the date that the access is installed. Within two weeks of the expiry of the permit, temporary access shall be removed and the adjacent lands restored to conditions as good as or better than the conditions that prevailed prior to the installation of the temporary access.
- ii) Flag persons shall be available at all times to oversee the use of access number 1). The use of access number 1) by vehicles weighing in excess of 3 tonnes shall at all times be under the supervision of flag persons.
- iii) As an alternative to supervision by flag persons, temporary signals may be installed at access number 1) so as to create a fully signalized intersection with Muskoka Road (MR) 169. Despite this permissive authority, the applicant shall install such temporary signals if they are deemed to be required at any time by the District.
- iv) The applicant is to provide an irrevocable Letter of Credit in the standard form required by the District in the amount of \$50,000 (fifty thousand dollars) as security to ensure that the applicant's obligations respecting access number 1) are met.
- v) During construction of the proposed generating station, flag persons shall be available at all times to oversee the use of access number 2). During construction of the proposed generating station, the use of access number 2) by vehicles weighing in excess of 3 tonnes shall at all times be under the supervision of flag persons.
- vi) Following completion of construction of the proposed generating station, the use of access number 2) by vehicles weighing in excess of 3 tonnes shall be under the supervision of flag persons where required to ensure that such use does not conflict with the use of MR 169 by other vehicles and pedestrians.
- vii) Roadway occupation permit number 6) shall expire two years from the date that construction of the proposed generating station commences. Within two months of the expiry of the permit, the roadway shall be removed and the adjacent lands restored to conditions as good as or better than the conditions that prevailed prior to the installation of the temporary access.
- viii) No materials or equipment may be stored or left on the road allowance for MR 169.
- ix) All traffic control is to be carried out in accordance with the latest edition of Ontario Traffic Manual Book 7.
- x) Prior to ~~the construction of the roadway widening relating to roadway occupation permit number 6) or to the~~ commencement of construction of the generating station, whichever comes first, the applicant shall:
 - 1) Supply a complete set of final design drawings of the roadway widening and related retaining structure signed and sealed by a licensed professional engineer.
 - 2) Supply a comprehensive amalgamated schematic drawing showing all access points requested on District and Township roads.

- 3) Produce a pre-construction record of condition for the adjacent lands and roadway, including an inventory of trees and other vegetation on lands owned by the Township of Muskoka Lakes and a description of the means by which such lands will be protected from damage arising from construction on the road allowance for MR 169.
- 4) Confirm that the work will be carried out in accordance with the District's standard requirements for Vibration Control relating to blasting and other construction activity.
- ~~5) Provide an irrevocable Letter of Credit in the standard form required by the District in the amount of \$200,000 (two hundred thousand dollars) as security to ensure that the applicant's obligations respecting roadway occupation permit number 6) are met.~~
- 56) Provide a performance bond in the amount of \$2,000,000 (two million dollars) as security to compensate the District for any direct or indirect damages suffered by the District arising from the activities of the applicant or subsequent owners or occupants of the applicant's lands, which bond is to continue to be in place for a period of two years following commissioning of the generating station.
- 67) Confirm that the applicant will indemnify and hold the District, its agents, officers and employees harmless from and against all claims, demands, losses, expenses, costs, damages, actions, suits or proceedings by third parties, directly or indirectly arising or alleged to arise out of the actions of the applicant or subsequent owners or occupants of the applicant's lands until a period of six years has elapsed following commissioning of the generating station.
- 78) Provide a copy of a certificate of general liability insurance naming the District, the applicant and occupants of the applicant's lands as insured parties, with limits of not less than \$5,000,000 (five million dollars) inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof, with a property damage deductible of not more than \$5,000 (five thousand dollars), which certificate is to remain in continuous effect until a period of six years has elapsed following commissioning of the generating station.

Attachment No. 2

PARCEL A

Requested Temporary Access To Parcel A

Proposed Location Of Signalized Pedestrian Crosswalk

Requested Roadway Occupation Area

MUSKOKA RD 169

PARCEL B

PARCEL C

Requested Access To Parcel A And Road Widening

Proposed Hydro Line

BALA FALLS

