



AGENDA - SPECIAL COUNCIL MEETING Tuesday, January 26, 2016

A Special Meeting of Council will be held on Tuesday, January 26, 2016 at 3:00 p.m., at the Port Carling Memorial Community Centre, Port Carling, Ontario, to report on matters arising from the January 15, 2016 Council in Closed Session, to receive delegations regarding the North Bala Falls Small Hydro Project and to consider a by-law with respect to a lease of certain Township lands to Swift River Energy Limited.

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1. Call to Order

2. Adoption of Agenda

- a. Consideration of a resolution to adopt the agenda.

3. Disclosure of Interest

4. Delegations and Petitions

- a. Delegations to be received at 3:00 p.m. Re: North Bala Falls Small Hydro Project, as follows;
1. Mitchell Shnier, SaveTheBalaFalls.com
 2. Representative from Moon River Property Owners' Association
 3. Bill Purkis
 4. Allan Turnbull
 5. Cheryl Pepper
 6. Cassandra Ford
 7. Brad Burgess
 8. Terry McFadden
 9. Frank Jaglowitz
 10. Tim McDonald or his agent.

5. Items of Business

- a. Report and consideration of resolutions on matters arising from Council in Closed Session held on January 15, 2016.
- b. By-laws for Consideration by resolution
1. By-law 2016-007, being a By-law of The Corporation of the Township of Muskoka Lakes to authorize the lease of certain Township lands to Swift River Energy Limited and to authorize the Mayor and Clerk to execute and affix the Corporate Seal to the lease.

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6. Closed Session

7. Confirming By-law

- a. Consideration of a by-law to confirm the proceedings of Council held on January 15, 2016.
- b. Consideration of a by-law to confirm the proceedings of Special Council held on January 26, 2016

8. Adjournment

- a. Consideration of a resolution to adjourn.

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2016-007

A By-law of The Corporation of the Township of Muskoka Lakes to authorize the lease of certain Township lands to Swift River Energy Limited and to authorize the Mayor and Clerk to execute and affix the Corporate Seal to the lease.

WHEREAS the Township is the owner of a freehold or leasehold interest in certain lands in the Township of Muskoka Lakes, in the Province of Ontario, as more particularly described in Schedule "A"(the "**Premises**");

AND WHEREAS Swift River Energy Limited wishes to enter into a lease with the Township for the use of the Premises in conjunction with the development and construction of the North Bala Falls Small Hydro Project (the "**Project**");

AND WHEREAS the Township and Swift River Energy Limited have agreed to terms upon which the Township will lease the Premises to Swift River (the "**Lease**");

AND WHEREAS Sections 5, 8, 9 and 11 of the *Municipal Act, 2001*, Chapter 25, as amended, enable a municipality to enter into agreements authorized by by-law dealing with, inter alia, public assets of the municipality.

NOW THEREFORE, the Council of The Corporation of the Township of Muskoka Lakes enacts as follows:

1. That the Township of Muskoka Lakes authorize the lease of certain Township lands to Swift River Energy Limited, as more particularly described in Schedule "A" attached hereto and forming part of this by-law.
2. That the Mayor and Clerk be authorized to execute and affix the Corporate Seal to the lease of certain Township lands as more particularly described in Schedule "A" attached hereto between the Township of Muskoka Lakes and Swift River Energy Limited in accordance with the summary of lease terms more particularly set out in Schedule "B" attached hereto and forming part of this by-law and in form satisfactory to the Township and its solicitor.

Read a first, second and third time and finally passed this 26th day of January, 2016.

Mayor Don Furniss

Cheryl Mortimer, Clerk

SCHEDULE "A"

Attached to and forming part of By-law Number 2016-007

PREMISES

- Parcel 1. The Landlord's freehold interest in the parcel of land immediately adjacent to and south of the North Bala Falls Small Hydro Project site that was transferred to the Township from the District in 2011 (PIN 48029- 0638);
- Parcel 2. The Landlord's leasehold interest in the parcel currently leased by the Landlord from the Ministry of Natural Resources and Forestry as the Shield Parking Lot (north end) (PIN 48029- 0634); and
- Parcel 3. The Landlord's freehold interest in the parcel of land known as the Portage Landing Parking Lot (south end) (PIN 48154-1077).

Draft By-law

SCHEDULE "B"

Attached to and forming part of By-law Number 2016-007

Summary of Lease Terms

- 1) The term of the lease is to be 36 months, which term may be extended on a month-to-month basis to the achievement of the "Commercial Operation Date" of the project. The term may not, however, be extended beyond November 1, 2035.
- 2) Swift River Energy Limited ("SREL") may not access the premises to commence work until after the lease commences, which cannot happen until a building permit has been issued, and SREL has applied for and been granted any necessary approvals exempting it from any applicable Township by-laws.
- 3) SREL shall make a onetime payment of One Hundred and Twenty Five Thousand (\$125,000.00) Dollars to the Township, such payment not to be adjusted or refunded in the event that the initial term of the lease is shortened, or if SREL exercises its right to terminate the lease.
- 4) SREL shall pay the sum of Five Thousand Two Hundred (\$5,200.00) Dollars to the Township for each calendar month that the terms is extended beyond the first full calendar month immediately following the end of the initial term.
- 5) SREL shall pay the sum of Five Thousand (\$5,000.00) Dollars to the Township on October 1st in each calendar year in the event SREL uses the Shield Parking Lot during the Bala Cranberry Festival.
- 6) Portage Landing shall only be used for site access, including the construction of a new temporary road, storage of construction materials and the installation of a crane.
- 7) The Portage Landing Parking Lot and the Shield Parking Lot shall only be used for storage and staging purposes and SREL's use will not block or unreasonably impede either the adjacent parking areas from public use or public access to the South Bala Falls, including the pedestrian walkway.
- 8) During the period April 30th to the first Monday after the Bala Cranberry Festival, SREL will have no right to use the Portage Landing Parking Lot.
- 9) All lands shall be restored and a public parkette, including walking paths and/or stairs down to the water's edge with tiered landscaping, shall be constructed on Portage Landing to the satisfaction of the Township.
- 10) SREL shall not use Margaret Burgess Park (the "**Park**") for construction purposes or alter it in any way. Current public access to the Park shall be maintained.
- 11) SREL shall make a contribution to the Township's costs for legal services and a heritage consultant.