

REPORT TO COUNTY COUNCIL

Mutual Access Easement Agreement – Oxford Road 35 (Devonshire Avenue) and Clarke Street North Intersection Improvements, City of Woodstock

To: Warden and Members of County Council

From: Acting Director of Public Works

RECOMMENDATION

1. That County Council authorize the Chief Administrative Officer and Acting Director of Public Works to execute a Mutual Access Agreement with the Property Owners of 925 Devonshire (2334488 Ontario Ltd.) and 951 Devonshire (Hy-Ton Enterprises Ltd.), to outline the maintenance and legal requirements of each Property Owner with respect to the shared entrance.

REPORT HIGHLIGHTS

- The purpose of this report is to obtain County Council approval to execute a mutual access agreement with 2334488 Ontario Ltd. (hereafter referred to as “2334488”) and with Hy-Ton Enterprises Ltd. (hereafter referred to as “Hy-Ton”) that is required to implement traffic signalization and other safety improvements at the intersection of Oxford Road 35 (Devonshire Avenue) and Clarke Street North within the City of Woodstock (City).
- This agreement is being executed in advance of the County undertaking intersection improvements at Oxford Road 35 (Devonshire Avenue) and Clarke Street North, Woodstock. These improvements will necessitate a shared entrance for the property owners affected by the project. The creation of a shared entrance aims to enhance safety at the intersection, providing improved conditions for all road users compared to the current setup.
- Both private property owners (2334488 and Hy-Ton) have agreed in principle to the terms and conditions of the mutual access agreement as drafted.

IMPLEMENTATION POINTS

Following Council's approval of this report, staff will proceed with the execution of the mutual access agreement.

Staff will finalize the procurement process for the intersection improvements as per County of Oxford Purchasing Policy. Upon formal award to the selected General Contractor, construction is anticipated to begin in Q3 2024 with anticipated completion in Q4 2024.

Communications

Staff will continue to work with property owners to have the agreement executed in an efficient and timely manner.

Once a contractor has been procured to complete the intersection upgrades, the project team will keep the property owners informed of the upcoming work and work with key internal stakeholders (County Management staff, Transportation staff, Waste Management staff, and Wastewater staff) and external stakeholders (City Engineering, City Transit staff, City Waste Management staff, Fire Services, Police, Emergency Services) during the execution of this project as required to ensure the appropriate level of communication and outreach is maintained, and further ensuring all parties involved are updated on project status and outcomes as needed.

Financial Impact

There is no financial impact associated with the execution of this agreement. Staff will procure construction services in accordance with the County's purchasing policy and proceed with the construction work which has been budgeted appropriately within the County's 2024 Business Plan and Budget.

2023-2026 STRATEGIC PLAN

Oxford County Council approved the [2023-2026 Strategic Plan](#) on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council's vision of "Working together for a healthy, vibrant, and sustainable future." These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report supports the following Strategic Plan pillars and goals:

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| Promoting community vitality | Enhancing environmental sustainability | Fostering progressive government |
| <p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.4 – Connected people and places</p> | | <p>Goal 3.1 – Continuous improvement and results-driven solutions</p> <p>Goal 3.2 – Collaborate with our partners and communities</p> <p>Goal 3.4 – Financial sustainability</p> |

See: [Oxford County 2023-2026 Strategic Plan](#)

DISCUSSION

Background

The intersection of Oxford Road 35 (Devonshire Avenue) and Clarke Street North, County right-of-way and located in the northern half of the City of Woodstock, is depicted in Attachment 1. This intersection currently functions as a T-intersection, with Oxford Road 35 (Devonshire Avenue) forming the east and west legs, and Clarke Street North forming the southern leg. On the north side of the intersection, there are two private properties: 925 Devonshire to the northwest and 951 Devonshire to the northeast. Both properties currently have separate private entrances to the County right-of-way within the intersection.

To align the intersection with industry-wide best practices and recommended designs, changes are necessary due to concerns with traffic entering Devonshire Avenue from the separate private entrances and Clarke Street North. Installation of traffic signals is recommended, complete with pedestrian crossings. Implementing traffic signalization and adhering to design specifications will require merging the existing separate private entrances for properties at 925 and 951 Devonshire into a single shared entrance.

Staff have worked with property owners and retained an engineering consultant to design a solution that meets the following requirements:

1. Design intersection safety upgrades that comply with best industry practices and Transportation Association of Canada (TAC) requirements.

2. Redesign the separate private entrances on the north side of the intersection into a shared entrance, serving as a new north leg of the intersection, as shown in Attachment 2.
3. Ensure the mobility requirements of the private property owners are incorporated into the design, allowing the shared entrance to function efficiently and effectively.

As a final step in the planning process of this project, to ensure the intersection improvements can be implemented and to clarify future maintenance responsibilities, staff have proactively engaged with the property owners and a Municipal Law/Real Estate lawyer to draft a mutual access agreement.

Comments

Each private property will use the shared access and will need to execute the shared access agreement. The obligations and rights of this shared access will be governed by an easement over both properties. In general, this easement straddles the property line giving both property owners free and clear access to a portion of the entrance so they can both access their properties.

It is important for the County to be a party to this agreement to outline the importance of controlling future upgrades and improvements to the intersection, as well as to manage movement from private property to the municipal right-of-way. Additionally, this will ensure that ongoing maintenance responsibilities are clearly defined and upheld. Beyond this, the agreement does not outline any responsibilities required by the County. Additional details on the key items within the agreement are as follows:

- Each Property Owner (2334488 and Hy-Ton) shall grant the other Property Owner full use of the shared entrance.
- Neither Property Owner shall construct upgrades to the shared entrance, unless such upgrades are approved by the County through the typical entrance adjustment process (via Oxford County Public Works – Transportation Division).
- Once construction is complete, both Property Owners shall equally share the responsibility and cost for maintenance and repair including snow removal, directional signage, line painting, cleaning, and all other maintenance repairs associated with keeping the shared entrance in first class condition.
- This agreement shall have no expiry date.

The agreement will be registered on the title of both properties and will run in perpetuity with the lands, in accordance with the terms and conditions of the agreement.

CONCLUSIONS

As a timely and critical next step in order to ensure that future construction of necessary intersection safety improvements at Oxford Road 35 and Clarke Street North can proceed, it is considered appropriate for County Council to authorize the execution of the relevant agreement with 2443388 Ontario Ltd. and Hy-Ton Enterprises Ltd.

SIGNATURES

Report author:

Original signed by

Noah Brister, P. Eng.
Project Engineer

Departmental approval:

Original signed by

Melissa Abercrombie, P. Eng., PMP
Manager of Engineering Services

Approved for submission:

Original signed by

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

Attachment 1 – Project Location Map and Existing Layout
Attachment 2 – New Construction Tender Drawing