

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 05-113

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND OTONABEE REGION CONSERVATION FOUNDATION

THE CORPORATION OF THE CITY OF PETERBOROUGH by the Council thereof hereby enacts as follows:

1. That the Mayor and the Clerk be and they are hereby authorized to execute an Agreement between The Corporation of the City of Peterborough and Otonabee Region Conservation Foundation, in the form attached hereto as Schedule "A", and to affix the seal of the Corporation thereto.

By-law read a first and second time this 13th day of June, 2005

By-law read a third time and finally passed this 13th day of June, 2005

(Sgd) Henry Clarke, First Deputy Mayor

(Sgd.) Doris Neufeld, Deputy Clerk

SCHEDULE "A"

PARTNERSHIP MEMORANDUM BETWEEN

THE CORPORATION OF THE CITY OF PETERBOROUGH

Hereinafter referred to as "The City")

AND

THE OTONABEE REGION CONSERVATION FOUNDATION

(Hereinafter referred to as "The Foundation")

REGARDING USE AND DEVELOPMENT OF THE WHITFIELD PROPERTY

Preamble:

The Foundation has acquired a portion of the Peterborough Airport Wetland complex. This property is approximately 91 acres in size and supports a variety of wetland habitat and a small fishery.

The province has designated 82.61 acres of the 91.06 acres as being eligible under the Conservation Land Tax Incentive Program. This leaves 8.45 acres that are subject to normal agricultural taxes.

The wetland is located adjacent to Hwy 115 just south of the Parkway entrance to the City of Peterborough. The wetland itself is partially within the Township of Cavan-Millbrook-North Monaghan and the City of Peterborough. An abandoned CN rail line borders the east boundary of the wetland although the wetland extends beyond the rail line in the south east section of the property. The abandoned rail line within the City of Peterborough has been acquired by the City. The remaining portion of the rail line within the Township has been purchased from CN Rail by the Otonabee Conservation Foundation. The length of the rail line within the Township that was acquired is approximately 3500 feet in length. The City of Peterborough wishes to partner with Otonabee Conservation Foundation to develop a "**green**" entry to the City of Peterborough. To that end the City is agreeable to making a one time financial contribution to the Foundation that will assist the Foundation to initially develop the property in a manner that is acceptable to both parties. The City is requesting acknowledgement of its role through recognition on a signage program for the property. Further, the site is capable of hosting a fishery compensation plan that is required because of certain works being carried out at the Peterborough Airport. The Foundation has agreed to work with the City to implement a fisheries enhancement project at the wetland. The Wetland Habitat Fund has also expressed an interest in assisting with the project, as a result of a field visit in April, 2003.

The Township of Cavan-Millbrook-North Monaghan as well as Civic groups may be approached to assist in the development and maintenance of the property.

1. Purpose:

The purpose of this Partnership Memorandum is:

- To co-ordinate the initial development of the property owned by the Foundation for the benefit of the Community, Foundation and the City;
- To facilitate the consolidation / acquisition of all required lands into one ownership.
- To facilitate the development of safe and sustainable public access to the wetland for wildlife viewing, nature study and hiking.
- To assist the City with planning decisions regarding the entrance way from highway 115 to the City; and;
- To establish a co-operative arrangement between the City and the Conservation Foundation to study, plan and develop the Whitfield Wetland property in order to enhance the natural environment, promote eco tourism and to complete a fisheries compensation project.

2. Goals

The goals of the partnership between the City and the Conservation Foundation are:

- To establish a "green" corridor at the entrance to the City along HWY 115;
- To carry out the development of the site described in an agreed upon Business Plan.

- To compliment the planned Visitors Centre to be located at the intersection of the Parkway and Crawford Drive;
- To erect appropriate signage including signs for the proposed Visitors Centre in a location to be mutually agreed upon;
- To make the most effective use of limited financial resources;
- To effectively manage a portion of the Provincially Significant Airport Wetland Complex, thereby helping to ensure the integrity of the wetland;
- To carry out research on the property in partnership with Otonabee Conservation, Ministry of Natural Resources, Wetland Habitat Fund, Department of Fisheries and Oceans, Trent University, Fleming College, community groups, etc.;
- To communicate and share information with all partners in order to facilitate decision making at all levels.

3. Roles and Responsibilities:

- The City and the Foundation share responsibility for the implementation of the Memorandum of Understanding.
- The City will contribute an initial twenty five thousand dollars (\$25,000) for capital expenditures on the Whitfield Wetland property including property acquisition.
- The City will be responsible for the cost of construction and installation of any directional signage required for the Visitors Centre that may be approved for placement on the Whitfield Wetland. The design and location of such signage to be mutually agreed upon by the City and the Foundation.
- The Foundation will manage the funds provided.
- The Foundation will implement the subject Fisheries Compensation Plan designed by Otonabee Conservation and authorized by DFO to improve aeronautical safety at the City of Peterborough Airport (Authorization PE-02-0504).
- The City will be responsible for all regulatory approvals and compliance as well as all costs associated with the ongoing monitoring, maintenance and repair of the fisheries compensation for a period of three (3) years after completion of the project.
- The Foundation will erect two signs on the property with one facing HWY 115 that will name the site and recognize the partners involved in the project.
- Notwithstanding any of the forgoing, the City is prepared to consider future partnerships for the management of the site depending on available resources.
- The funding partners will jointly agree on a business plan governing type and phasing of any development of the site.

4. Implementation

- This agreement will come into effect upon endorsement by the City and the Board of the Foundation.
- The City and the Foundation agree to meet on a periodic basis to review the implementation of this agreement and to explore further opportunities for partnering and any other matters agreed to by the parties.

5. Term of Agreement

The term of this Agreement will be for a period of three (3) years to commence upon signing of the Agreement by both parties. Renewal of this Agreement including any revisions at the time will be subject to the approval of both parties. Each party to this Agreement agrees to give the other party written notice of any concerns with regard to non-performance and to give the other party 30 days to address the subject concern(s). If the subject concerns cannot be resolved, either party may terminate this Agreement with 90 days written notice to the other party.

SIGNED SEALED AND DELIVERED
in the presence of

Witness as to execution by

Nancy Wright-Laking, City Clerk
Corporation of the City of Peterborough

Witness as to Execution by

Sylvia Sutherland, Mayor for
Corporation of the City of Peterborough

Witness as to execution by

Ronald Scott, President,
Otonabee Conservation Foundation
Otonabee Region Conservation Foundation

Witness as to execution by

Kathy Reid, Secretary, Otonabee Conservation
Otonabee Region Conservation Foundation