



Municipality of Port Hope

Staff Report

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Report Title: Choate Street Extension Cancellation

Report to: Works & Engineering Committee

Date of meeting: March 15, 2022

Report Author:

Jeanette Davidson, Director, Works and Engineering

Department responsible:

Works & Engineering

Report Number: WE-05-22

Recommendation:

1. That a by-law be presented to Council to enter into a Termination of Road Construction Agreement with Cameco Corporation and Cameco Property Holdings Inc., and further
2. That a by-law be presented to Council to enter into a Purchase of Sale Agreement with Cameco Corporation and Cameco Property Holdings Inc., and further
3. That a by-law be presented to Council to enter into a Restrictive Covenant Agreement with Cameco Corporation and Cameco Property Holdings Inc.

Highlights:

- Municipal Staff have negotiated 3 Agreements with Cameco Corporation and Cameco Property Holdings Inc. that will conclude the cancellation of the Choate Street extension, and transfer approximately 1 acre of waterfront land to the Municipality.

Background:

Cameco Corporations' Vision in Motion (VIM) project is comprised of clean-up and renewal activities intended to improve the look and efficiency of their operations and address legacy waste at the Port Hope Conversion Facility that was inherited from historic operations.

As part of the overall VIM project the Municipality of Port Hope and Cameco Corporation entered into a road construction agreement for construction of a new roadway corridor known as the Choate Street Extension in 2014. Choate Street is located between Hayward Street and Marsh Street in the south end of the Municipality of Port Hope, adjacent to Lake Ontario.

Choate Street was recommended for extension as part of the approved federal environmental assessment for the VIM project. The associated study was approved in accordance with Canadian Environmental Assessment Act requirements in 2012.

On July 7, 2020, Council held a closed session meeting in accordance with Sections 239 (c) and (i) of the Municipal Act to consider a proposal by Cameco Corporation to alter their VIM project. The proposed alteration excludes the construction of the Choate Street extension, a road that was planned to support the Waterfront Master Plan and Cameco's VIM project. After further review, the proposal was presented to Council in November 2020, and direction was subsequently provided to staff at the December 1, 2020, meeting to negotiate an amending agreement with Cameco to formally cancel the road extension and transfer a portion of the land back to the Municipality.

Discussion:

The changes to the VIM project impact the legal agreements executed by By-laws 60/2014 and 61/2014. These agreements authorized the purchase and sale of park land and roads and the road construction agreement between the Municipality and Cameco for construction of a new roadway corridor. A road Termination Agreement has been negotiated and is included as **Attachment 1**, as well as a Purchase and Sale Agreement that has been included as **Attachment 2** to address By-law 61-2014. The Purchase and Sale Agreement represents the transfer of Part 2 and Part 3 on Plan 39R14377 (**Attachment 4**) which is 4,046.79 square metres or 1 acre of land more or less.

As part of the Port Hope Area Initiative remediation work, a Special Circumstance has been applied to this land, resulting in restricted future uses. A Special Circumstance may be applied to a property where the cleanup of historic low-level radioactive waste is not practical, reasonably achievable, or desired. Cameco also had concerns with the future use of the lands due to the proximity of their operations, and therefore, as a requirement to transfer the land back to the Municipality, a Restrictive Covenant and Noise and Vibration easement was required. The proposed Restrictive Covenant (**Attachment 3**) restricts the future development and use of the property. The Municipality may use these Lands for certain passive activities (such as dog walking, parking to access trails etc.), provided that such use does not permit or encourage active public use (such as the construction and/or operation of public amenities such as play structures, pavilions, washrooms or similar public attractions). Items that are specifically permitted are the placement of benches and picnic tables, together with any necessary and appropriate sun-shading infrastructure or vegetation, to enable seating for a maximum of 30 people on the property.

A future amendment will be required to By-law 60-2014, which is the Roads and Parkland Agreement. Negotiations are on-going with Cameco regarding improvements to stormwater management in the area, and it is anticipated that By-law 60-2014 will be amended at the time those discussions are finalized and they do not need to delay the finalization of the cancellation of the Choate Street extension.

Financial Considerations:

The Municipality has dedicated significant staff time and resources to the initial project planning for the Choate Street extension. In addition, legal expenses have been incurred related to the historic agreements currently in place. As per the agreements, Cameco has covered all environmental assessment expenses, design costs, and half of the survey costs. The Municipality will be required to pay the sum of \$1.00 to Cameco Corporation in accordance with the Purchase and Sale Agreement.

Communication and Public Engagement:

The proposed Agreements represents the completion of the cancellation of Choate Street extension, which had previously included considerable community consultation. The lands that are being transferred will fall into the scope of planning as part of the waterfront and riverwalk master plan.

Conclusion:

The proposed Agreements represent the Municipalities acceptance of the proposed changes to the Vision in Motion Project as presented by Cameco Corporation including the cancellation of the proposed Choate Street Extension and transfer of land to the Municipality.

Attachments:

Attachment 1-Termination of Road Construction Agreement

Attachment 2-Cameco-Agreement of Purchase and Sale with Port Hope

Attachment 3-Restrictive Covenant Agreement

Attachment 4-Plan 39R14377