

November 7, 2011

**Jones Response to Staff Report: Engineering & Public Works Department
EPW11.093 - Dated November 8, 2011
Subject: Camperdown Road South – Restriction of Passage**

To: Infrastructure & Recreation Committee

We have read this latest Staff Report and are deeply disappointed by Town Staff's recommendation.

It is clear to us that Town Staff continue to refuse to acknowledge that conditions surrounding the original agreement have materially changed to the extent that the agreement is no longer enforceable, does not take into consideration any of the current activities experienced due to the Town's various development decisions, nor the facts regarding why we can no longer control our liability exposure. As constituents, we do not feel our interests are being served or considered by Staff.

A recurring term was used by committee members when responding to this situation at the last meeting in July, as well as during subsequent individual discussions that we had with some members of this committee.

That term was "Fairness".

While the original agreement addressed the relative concerns at the time, much has changed and this agreement needs to be redrawn and taken off Title. It simply is not fair that one landowner out of the five on this section of road has the sole responsibility and liability.

When this agreement was signed, it was with the Township of Collingwood, and dealt with a very rural section of roadway that was, in fact, not even opened, and certainly not a "Seasonal Road" as stated in the Staff report. We had to "open" the right of way, and build the road to the specs outlined, at a cost to us of over \$30,000. We then were required to turn the approved road over to the Town. At the time that we were required to sign this agreement to be allowed a building permit on our property, after we built our home and up to the construction of the Kritsch trail, both pedestrian and vehicular traffic was virtually non-existent. Contrary to Staff report, neither the Township Staff, and certainly not any new residents, could have possibly foreseen the level of development activity and population increase that would occur in this area.

Since this agreement was signed, there have been many initiatives launched by the Town which have had a direct or indirect impact on the currency and enforceability of this agreement: All resulting in an increase of “traffic” across this section of road:

- The Municipality has been incorporated to “Town” status.
- The Kritsch trail and parking area was allowed to be built and promoted.
- The Town has embarked on a major project with Intrawest, to develop one of the largest recreational developments in the country.
- Several developments on the “flats” below the escarpment, straddling Camperdown Road, including over 400 acres of golf course and residential development have been approved and are under way.
- The Town has undertaken a significant promotion of a “Trails Infrastructure” system to the extent that they have made this “Trails” system mandatory in many residential developments, and certainly all major residential developments in the past few years.
- The Town has developed, incorporated, and undergone a review of an “Official Plan” for the orderly progression of future development of the community in which they restrict pedestrian traffic on roadways, without an area of separation.

We are not opposed to Municipal development. In fact, we support and applaud the Town on their development efforts. They have enhanced the area and improved the quality of life for the residents.

However, times change, things change, situations change, and the world moves on....

And to that point, the Town and their Staff need to appreciate that these changes have fundamentally changed the nature of this existing agreement, and the agreement in place is no longer enforceable by us.

This staff report promotes the continuation of vehicular and pedestrian traffic “co-existing” on this section of roadway. An extremely dangerous section of road to encourage these activities and a contravention of the Town’s bylaw: By promoting this activity, they are ignoring the fact that this section of road is vertically challenging; has extremely restrictive sightlines; is a very narrow road base with no shoulder; and has virtually no provision for pedestrians to get out of the way of vehicular traffic. While we recognize trail interests, and the active lobby efforts in this regard, those trail interests must be subordinate to the interests and safety concerns of the landowners directly effected by these activities and in particular the one landowner currently responsible for this section of road. Further, there have been several trails options presented to trail advocates and the Town Staff that would resolve their concerns.

We recommend in the strongest terms possible, that this report's favoured option, which by Staff's own admission is a non-enforceable solution, be turned down. This is simply a non solution, solution: Over the years, both the Town and we have installed signs all along this section of roadway and this option does not work.

We recommend that the Committee provide direction to Staff that they work out a new agreement which fairly reflects the current situation and removes our sole liability for this road.

This new agreement could include one of the following:

- 1/ Remove the current agreement from title and the Town accept the "Winter Maintenance" responsibility:
- 2/ Remove the current agreement and replace it with a common agreement that includes all landowners who abut this section of road, making all responsible for "Winter Maintenance:
- 3/ Condominize the road:

Doing nothing or merely putting up yet more signs is simply unacceptable to us.

Submitted with respect,

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