



# REPORT

## CAO

**TO:** Otter Valley Utility Corridor Board of Management  
**FROM:** Paul Shipway, CAO|Clerk  
**DATE:** September 11, 2019  
**REPORT:** CAO-50/19

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**SUBJECT: UTILITY CORRIDOR FENCING & GATES**

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### BACKGROUND:

The most frequent issue on the Otter Valley Utility Corridor is pertaining to trespass and vandalism of public and private property from off-road vehicle usage including deliberate vandalism by the same.

On February 8, 2016 the Otter Valley Utility Corridor Board considered a request from Underhill Farm Supply to fence the portion of the utility corridor subject to Municipality of Bayham By-law No. 2003-077 and Municipality of Bayham Agreement No. 0337, The subject lands are encompassed within a 50 year lease with an additional 50 year renewal period. Pertaining to fencing, the Lease Agreement features the following provisions:

*...Provided, however, that the Lessee shall be allowed to erect fencing around the subject lands, subject to the approval of the Lessors to allow the Lessee to prohibit individuals from accessing the lands as a trail.*

*AND that the Lessee will not remove, alter or change the style or position of any fences on the said lands without the consent of the Lessor in writing...*

The Otter Valley Utility Corridor Board passed the following resolution pertaining to the Underhill Farm Supply Request:

**THAT** Report CAO-09/16 re Otter Valley Utility Corridor – Underhill Farm Supply be received for information;

**AND THAT** the Otter Valley Board of Management approve the request of Mr. Sebok of Underhill Farm Supply to erect fencing, at the sole cost of Underhill Farm Supply, around the perimeter of the subject property;

**AND THAT** Underhill Farm Supply install a gate at the northwest corner of the property and provide the Municipality of Bayham and Erie Shores with a key;

**AND THAT** the fencing conditions are contingent upon the Municipality of Bayham, Town of Tillsonburg and Erie Shores being granted permission to access the utility corridor through the Underhill Farm Supply property.

On October 10, 2017 correspondence was sent to the Otter Valley Utility Corridor board of Management from Ms. Kristi Rockley concerning trespass and fencing along the Otter Valley Utility Corridor.

On November 7, 2017 the Otter Valley Utility Corridor Board of Management passed the following resolution:

**THAT** Bayham and Tillsonburg staff be directed to design page wire and steel gate specifications for annual site specific lateral utility corridor fencing construction utilizing annual Corridor Use Agreement allocations, for Board of Management considerations.

On March 8, 2018 the Otter Valley Utility Corridor Board of Management passed the following resolution:

**THAT** Report CAO-10/18 re RFQ 18-01 Supply & Installation of Utility Corridor Fencing be received for information;

**AND THAT** the Otter Valley Utility Corridor Board of Management, direct Bayham staff to enter into an Agreement with Verdant for the Supply & Installation of Utility Corridor Fencing for Council consideration.

**AND THAT** fence posts be spaced at four (4) metres for a cost of \$6.50/ft of fence as per RFQ 18-01.

**AND THAT** 2018 works be capped at an upset limit of \$18,000.

On April 5, 2018 Otter Valley Utility Corridor Board passed the following resolution pertaining to Utility Corridor Fencing:

**THAT** Report CAO-37/18 re Utility Corridor Fencing & Gates be received for information;

**AND THAT** staff be directed to proceed with work as per Report CAO-37/18.  
CARRIED

Pursuant to the direction of the Otter Valley Utility Corridor Board of Management, fencing was installed as depicted in Appendix 'A' and described as follows:

Location	Fencing Recommended	Approximate Length
Chute Line – South	Yes	10 metres
Chute Line – North	Yes	40 metres
Light Line – South	Yes	15 metres
Light Line – North	Yes	15 metres

Calton Line – South	No	N/A
Jackson Line – South	Yes	30 metres
Jackson Line – North	Yes	30 metres
Heritage Line – South	Yes	15 metres
Heritage Line – North	No	N/A
Black Bridge Line – South	Yes	20 metres
Black Bridge Line – North	Yes	20 metres
Plank Road	No	N/A
Maple Grove Line – South	Yes	15 metres
Maple Grove Line – North	Yes	20 metres
Plank Road	No	N/A
Eden Line – South	Yes	15 metres
Eden Line – North	Yes	20 metres
Schaffer Road – South	Yes	30 metres
Schaffer Road – North	No	N/A
Baynor Road – South	No	N/A
Baynor Road - North	Yes	15 metres

Maintenance of the Otter Valley Utility Corridor and the fencing is conducted based on:

- 1) Annual Public Works site inspections
- 2) Complaint based works

Staff would comment that fencing has the ability to slow down and inhibit trespassers however it does not completely stop trespass. In some situations a new trail will simply be cut through the neighbouring property back onto the main corridor.

In 2018 and into 2019 the level of maintenance on the Utility Corridor has progressed from miscellaneous works the Municipality of Bayham Public Works Department completes to a level of effort and resources that will require the Municipality of Bayham to invoice the Town of Tillsonburg for 50% of labour and materials moving forward.

## DISCUSSION

The Municipality of Bayham has continued to receive both formal and informal complaints and requests concerning trespass on the Otter Valley Utility Corridor. The 2018 fence works assisted in reducing concerns until the trail was brushed by Erie Shores (as is its contractual right) which opened up additional access areas and the off-road vehicle issues have subsequently increased.

In 2019 Municipality of Bayham staff conducted an assessment and determined additional fencing could be installed as follows:

Location	Existing Approximate Length	Proposed Additional Fencing
Chute Line – South	10 metres	24 metres
Chute Line – North	40 metres	12 metres
Light Line – South	15 metres	12 metres
Light Line – North	15 metres	N/A

Calton Line – South	N/A	60 metres
Jackson Line – South	30 metres	9 metres
Jackson Line – North	30 metres	12 metres
Heritage Line – South	15 metres	N/A
Heritage Line – North	N/A	N/A
Black Bridge Line – South	20 metres	N/A
Black Bridge Line – North	20 metres	N/A
Plank Road	N/A	N/A
Maple Grove Line – South	15 metres	N/A
Maple Grove Line – North	20 metres	15 metres
Plank Road	N/A	N/A
Eden Line – South	15 metres	Rebuild (15 metres)
Eden Line – North	20 metres	12 metres
Schaffer Road – South	30 metres	12 metres
Schaffer Road – North	N/A	N/A
Baynor Road – South	N/A	N/A
Baynor Road - North	15 metres	12 metres

Subsequently, staff sought an estimate from a local contractor that provides fence works for the Municipality of Bayham (Dean Franklin Construction) – The Municipality was unsatisfied with continuing to utilize the services of Verdant. For the approximately 195 metres of fence work Franklin Construction Inc. submitted an estimate of \$9,933.99+HST.

This estimate includes placing fencing (approximately 60 metres) on the south side of Calton Line as requested by Mr. Wayne Casier. This is relevant as he is subject to Agreement No. 0335, By-law No. 2003-075 and as such technically cannot request fencing, however it may assist in deterring off-road vehicle use.

## RECOMMENDATION

1. **THAT** Report CAO-50/19 re Utility Corridor Fencing & Gates be received for information;
2. **AND THAT** the Otter Valley Utility Corridor Board of Management provide staff direction.

Respectfully Submitted by:




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Paul Shipway  
CAO|Clerk



#### Legend

-  Lagoons
-  Local
-  Arterial
-  Highways
-  World Street Map

1: 1,665



0.1 0 0.04 0.1 Kilometers

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1: 13,317



0.7 0 0.34 0.7 Kilometers

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1: 3,329



0.2 0 0.08 0.2 Kilometers

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1: 6,659



0.3 0 0.17 0.3 Kilometers

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