

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

BY-LAW NUMBER 2021-48

Being a By-law to establish a Memorandum of Understanding between the Township of Madawaska Valley and the Renfrew County ATV Club with respect to access and use of municipal land.

WHEREAS by virtue of Section 10 (2) of *The Municipal Act*, 2001, S.O. 2001, c.25, as amended, a municipal council may pass by-laws relating to services and things that the municipality is authorized to provide.

AND WHEREAS the Council of the Corporation of The Township of Madawaska Valley deemed it advisable to establish a Memorandum of Understanding with the Renfrew County ATV Club with respect to access and use of municipal land;

NOW THEREFORE the Council of the Corporation of the Township of Madawaska Valley enacts as follows:

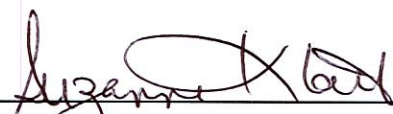
1. **THAT** the Corporation of the Township of Madawaska Valley hereby establish a Memorandum of Understanding with the Renfrew County ATV Club, with respect to the access and use of municipal land as outlined in **Schedule "A"** attached hereto.
2. **THAT** the CAO/Clerk is hereby authorized to execute the Memorandum of Understanding and to attach the corporate seal thereto.
3. **THAT** this By-Law shall take effect upon the date of enactment.

READ A FIRST AND SECOND TIME THIS 18th day of May, 2021.

READ A THIRD TIME AND FINALLY PASSED THIS 18th day of May, 2021.




Acting MAYOR — Kim Love
Emie Peplinskie


CAO/CLERK — Suzanne Diane Klatt



Renfrew County ATV Club
PO Box 181, Eganville ON K0J 1T0
Land Use Permission

MEMORANDUM OF UNDERSTANDING

1. On this 4th day May, 2021, I, the undersigned, owner/occupier of the premises located in the County of Renfrew, in the TOWNSHIP OF MADAWASKA VALLEY located in the Opeongo Trail System (see attached) do hereby give the undersigned named Renfrew County ATV Club Incorporated (RCATV), permission to legally enter, establish, maintain, sign and use that portion of the premises herein designated by me without fee, for the exclusive purpose of allowing authorized trails users to access said premises for recreational use under the following terms and conditions.
2. Authorized trail users include motorized and non-motorized trail users and riders in possession of a valid trail permit, or other RCATV permitted vehicles for the purposes of trail maintenance. Exclusion does not include pedestrians or motorized users accessing trails for non-recreational purposes.
3. Renfrew County ATV Club shall continue to maintain a minimum of \$10 million in third-party liability insurance. This insurance will be confirmed by RCATV in the form of a Certificate of Insurance prior to the trail opening date each year. The insurance shall have adequate limits to cover land uses specified by the Renfrew County ATV Club and authorized trail users on the designated premises. RCATV will provide proof of insurance for any vehicles or trail maintenance equipment that is owned by or leased by RCATV.
4. The designated premises shall be detailed on an attached addendum, in the form of a sketch or map, and a copy of each/both shall be initialed by both parties and attached to this agreement.
5. For the purposes of this designated premise, the recreational ATV season will be from the date of 1 May until the date of 30 November. It is understood that RCATV and its designated volunteers, with the owner/occupier's written or verbal consent, shall have access to the designated premises prior to and after the recreational ATV season for the purposes of opening and closing, upgrading and maintaining the trail.
6. RCATV Club shall maintain the portion of the designated premises to be used by authorized trail users in reasonably good condition for RCATV recreation purposes only; and undertake to post appropriate signage; remove on an annual basis any litter caused by authorized trail users; and repair or replace property damaged by authorized trail users on that portion of the designated property used for multi-use trail recreation. Trail inspection frequency and inspections will be done in accordance with the RCATV Trail Management Strategy. This includes meeting trail maintenance requirements, level of service and tracking/record keeping on trail hazards. RCATV will keep the Township of Madawaska Valley informed of any trail maintenance requirements and provide an annual report on trail needs. Maintenance outside of regular trail upkeep will be done in consultation with the Township of Madawaska Valley.
7. Each party shall give the other sixty (60) days prior written notice to the address above of any changes to, or cancellation of this agreement.
8. RCATV, its wardens and executives are hereby authorized to be the undersigned owner/occupier's agent(s) to supervise and enforce the uses defined hereunder with respect to the designated premises in accordance with the Trespass to Property Act and the Occupiers Liability Act.
9. RCATV shall defend, indemnify and save harmless THE TOWNSHIP OF MADAWASKA VALLEY its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the RCATV, its directors, officers, employees, agents, contractors and subcontractors, or any of them,

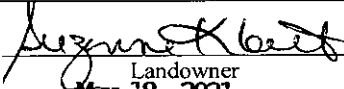
in connection with or in any way related to the delivery or performance of this Contract. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Supplier in accordance with this Contract and shall survive this Contract.

Landowner/Occupier

NAME	Suzanne Klatt, CAO, Madawaska Valley Township
ADDRESS	85 Bay Street, Barry's Bay ON, K0J 1B0
PHONE	613-756-2747

Renfrew County ATV Club

Director: Dan Finos	905-447-3878
President: Teresa Hebb	613-635-1528


Landowner
May 18, 2021
Date

RCATV Representative

Date

RCATV / Madawaska Valley
Memorandum of Understanding Addendum
May 4, 2021

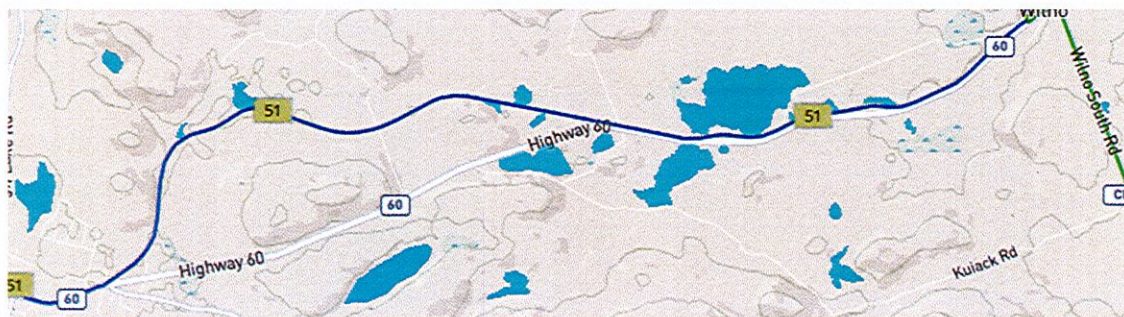
Local Director: Dan Finos, 905-447-3878 mvdirector@renfrewcountyatv.ca
President: Teresa Gamble, 613-635-1528 president@renfrewcountyatv.ca

The following are trails and routes to be designated as RCATV recreationally maintained trails and routes as set out in the Memorandum of Understanding between Renfrew County ATV Club and the Township of Madawaska Valley.

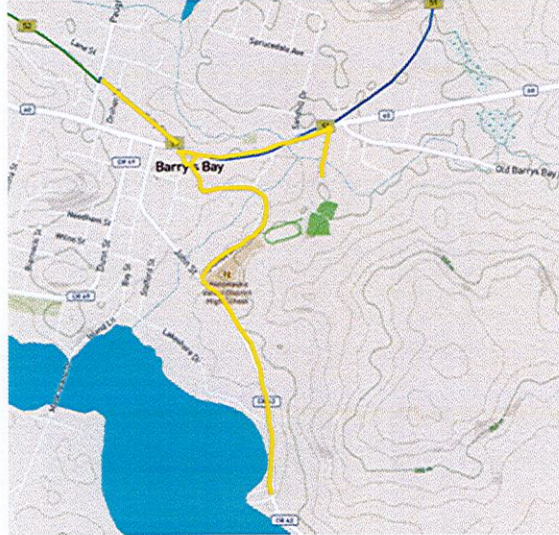
1. RCATV 52/B Trail connecting the trails between Barry's Bay and South Algonquin and provide access to Crown MNRF trails:
 - a. J.R. Booth Heritage Railway Trail from Paugh Lake Road, Barry's Bay to west of Carson Lake (Madawaska Valley Township boundary).



2. RCATV 51 Trail connecting Barry's Bay and Wilno:
 - a. J.R. Booth Heritage Railway Trail from Wilno to Barry's Bay; and
 - b. Trailhead board at the intersection of 51 trail / Opeongo Line across from Arena Road.



3. Trailhead Parking to provide safe, accessible parking spaces for trail tourism:
 - a. Yakabuski Community Centre: 65 Arena Road, Barry's Bay; and
 - b. Water Tower Parking: Mahon Street, Barry's Bay.
4. ATV Route designation and signage on the following roads within Barry's Bay to provide safe ATV Routes to connect the 51 and 52 trails through Barry's Bay, provide wayfinding to access trails from trailhead parking and wayfinding access to trails for trail tourism operators:
 - a. Opeongo Line from Arena Road to Kelly Street;
 - b. Kelly Street from Opeongo Line to Paugh Lake Road;
 - c. ATV Crossing at Paugh Lake Road and Kelly Street to access the trail;
 - d. To access Parking Trailhead 1: Arena Road;
 - e. To access Parking Trailhead 2: Opeongo Square, Stafford Street and Mahon Street; and
 - f. To enable access for riders from tourism operators and RCATV partners Pinewood Inn and Ashgrove Inn: Combermere Road, John Street, Ignatius Drive.

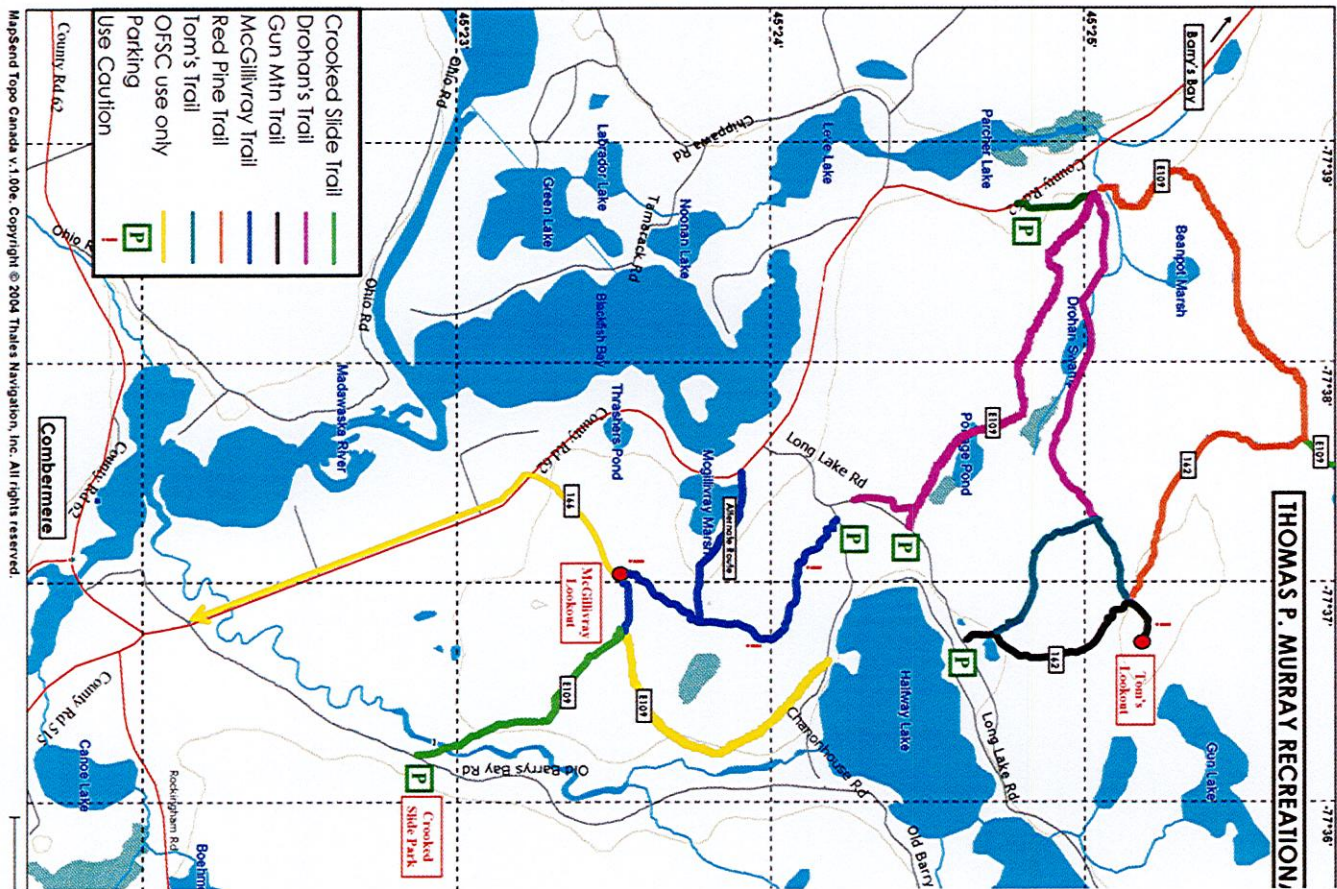


5. ATV Route designation and signage on the following roads within Wilno to provide safe trail route wayfinding to connect up with 92 and 90 trails of Killaloe Hagarty Richards
 - a. Szczypior Road from JR Booth Heritage Railway Trail to Wilno Road North;
 - b. Wilno Road North within township boundaries; and
 - c. Borutski Street from Highway 60 to Wilno Road South.



6. Thomas P. Murray Recreational Trails (Combermere) to bring greater ATV tourism traffic towards Combermere and showcase Old Barry's Bay Road and Crooked Slide Park.
 - a. ATV Route signage on Old Barry's Bay Road from Highway 60 to Highway 62

b. RCATV trail etiquette & information board at Thomas P. Murray Recreational Trails



Suzanne Hutt
Landowner

The Corporation of The Township of
Madawaska Valley

May 18, 2021

Date

RCATV Representative

Date