

255A Scott Street – Temporary Use Access Agreement

1. The parties acknowledge the temporary use access agreement to access Rainy Lake Square from a proposed new entrance on the West wall of 255 Scott Street providing barrier free ingress/egress to sub-let office space defined as 255A Scott Street.
2. The Town agrees to permit a new entrance at 255 Scott Street (owned by 1358862 Ontario Ltd.) to enter and exit the office space at 255A Scott Street as depicted on Schedule 1, with the following terms and conditions:
 - a. The owner of 255 Scott Street shall maintain the structure and entrances in a good state of repair, shall not do or cause anything to be done which would increase the amount of the maintenance to the Rainy Lake Square property. Maintenance of the side walk from the entrances shall follow O.Reg. 239/02, Minimum Maintenance Standards for Municipal Highways, as amended from time to time by the owner of 255 Scott Street.
 - b. The construction of the accessibility shall be in accordance with the Ontario Building Code and shall be the minimum acceptable width to maximize the width of the remaining sidewalk. All changes to landscape heights for the newly constructed entrance will be paid for by the Owner of 255 Scott Street and approved by the Chief Building Official prior to work being completed.
 - c. The owner of 255 Scott Street, their heirs, successors, and assigns, or whoever shall come to have an interest in 255 Scott Street, shall forever and always save the Town harmless from any and all claims and actions for liability and/or damages which may be occasioned by the existence of the Encroachment.
 - d. The owner of 255 Scott Street will be given notice of events at the Rainy Lake Square. During such events, access will be limited to the entry with fencing and/or barricades, limiting the access to 255A Scott Street. This will be installed on a case by case basis. Cost of additional fencing or barricades shall be at a cost of the owner at 255 Scott Street.
3. This agreement expiring April 1, 2020, is a temporary agreement to determine exact uses and needs for the entry onto the Town owned land known as Rainy Lake Square from the privately-owned land known as 255A Scott Street, as depicted on Schedule 1. The owner of 255 Scott Street and the Town of Fort Frances will agree upon a permanent use agreement prior to the competition of this agreement.