

Tecumseh-Windsor-Essex Boundary Adjustment Agreement

This Agreement (attached) specifies commitments, obligations and responsibilities of each of the parties, which can be summarized below, along with the status of each:

The Town of Tecumseh

- The Town to transfer to the City the annexed lands, which is approximately 6,500 acres (as depicted in Map 1). **Obligation fulfilled;**
- The Town and County to transfer to the City any studies, plans, records, designs or similar material that it has prepared and that are public in nature and related to the annexed lands, which includes documentation related to municipal drains. **Obligation fulfilled;**
- The Town to transfer ownership of watermains and services within the annexed lands to the Windsor Utilities Commission (WUC). **Obligation fulfilled;**

The City of Windsor

- The City to receive the annexed lands (approximately 6,500 acres) from the Town of Tecumseh. **Obligation fulfilled;**
- The City to assume jurisdiction of Banwell Road from County Road 22 to the southerly limit of the Canadian Pacific Rail (CPR) Tracks (as depicted in Map 1). **Obligation fulfilled;**
- The City to complete all improvements and expansions to its segment of Banwell Road as identified in an approved Municipal Class Environmental Assessment (Class EA) undertaken by the City at no cost to the Town of Tecumseh or the County of Essex. There was nothing included in the Agreement establishing the time-frame within which the road improvements were to be completed. **Class EA obligation fulfilled. Road improvements not fulfilled;**
- The City to provide the Town with access to the City's segment of Banwell Road via no fewer than three intersections, which includes Intersection Road. **This obligation has been partially fulfilled insofar as it has been recognized in the City's Class EA.;**
- The City to assume all responsibility for the provision of municipal services within the annexed lands. **Obligation fulfilled;**
- The City to make payments to the Town (\$2.41M) and the County (\$1.30M) between 2003 and 2007 in lieu of lost taxes. **Obligation fulfilled;**

The County of Essex

- The County to assume jurisdiction over Banwell Road from south of the CPR Tracks and the 11th Concession Road from County Road 42 to County Road 46 (as depicted in Map 1). **Obligation fulfilled;**
- The County to proceed with a Class EA when the level of service at either or both of the Banwell Road and County Road 42 intersection and the 11th Concession Road and County Road 42 intersection reaches Level D as determined in a Traffic Impact Study or at such earlier time as mutually agreed upon by the Town and County. **Obligation fulfilled;**
- The County to pay for and undertake all upgrades, improvements, expansions and realignments so that Banwell Road and 11th Concession Road form a single continuous north-south roadway. **Obligation not fulfilled;**
- The County agrees to assemble all necessary lands and undertake said works (within the Class EA) within the earlier to occur of 5 years from the date that said Initial Class EA is completed or such earlier date as mutually agreed upon by the Town and the County. **Obligation not fulfilled. Although some land assembly may have occurred, all lands and undertaking of works has not been fulfilled in the required timelines;**
- The County to pass all necessary by-laws to give effect to the provisions listed above (s.2.3 of the Agreement). **It is unknown whether this obligation has been fulfilled;**