



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: December 8, 2020

Report Number: CS-2020-41

Subject: Closure and Sale of a Portion of Desro Drive

Recommendations

It is recommended:

That CS-2020-41 entitled “Closure and Sale of a Portion of Desro Drive” **be received;**

And that authorization **be given** to providing notice in accordance with the Town’s Sale of Land By-law No. 2003-09 and Notice By-law No. 2003-06 of the intent to close that portion of Desro Drive described as Parts 20, 21 and 22 of Plan 12R-19278 in the Town of Tecumseh, County of Essex (Subject Lands) and to declare the lands subject to the needs of the Town and authorizing the Subject Lands to be sold to Eleven Winds Holdings Inc. subject to the Town retaining an easement over Parts 20 and 21;

And further that following the notices **being given**, a By-law be prepared for Council’s consideration to: authorizing the closure of a portion of Desro Drive; declaring the Subject Lands to be surplus to the needs of the Town; and authorizing the Subject Lands to be sold to Eleven Winds Holdings Inc.;

And furthermore that the cost incurred by the Town to close up and convey the Subject Lands **be the responsibility** of Eleven Winds Holdings Inc.

Background

At the October 13, 2020 Regular Meeting of Council, Report PBS-2020-34 entitled “Zoning By-law Amendment Winds Holdings Inc. (Eleven Winds) 13375 Desro Drive Scheduling of a Public Meeting” was received by the Members. At the meeting, approval was given to schedule at public meeting in accordance with the *Planning Act* to consider an application

submitted by Eleven Winds to amend Sandwich South Zoning By-law 85-18 for its property located at 13375 Desro Drive from “Industrial Zone (M1-10)” to a site specific “Industrial Zone (M1-26)” in order to permit the addition of general or business offices and professional offices and establish site-specific parking requirements.

The rezoning was requested to accommodate a software development and consultation company to operate from the existing building at 13375 Desro Drive.

A Public Meeting of Council was held on Tuesday, November 10, 2020, and By-law No. 2020-73 being a by-law to amend By-law 85-18, the Town’s Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (D19 DESRO – 13375 Desro Drive), was subsequently adopted at the November 24, 2020, Regular Meeting of Council.

Eleven Winds is in discussions with the Town regarding proposed improvements to the existing parking area and related improvements to the grading and stormwater management of the site and is working towards the completion of engineering drawings that will need to be approved by the Town prior to any improvements being undertaken.

As indicated in PBS-2020-34, the future parking lot improvements will necessitate Eleven Winds’ acquisition of a portion of the Town’s municipal right-of-way (ROW) which fronts 13375 Desro Drive. This portion of the ROW was once utilized as part of the Desro Drive cul-de-sac which no longer exists as Desro Drive now extends westerly to connect to Sylvestre Drive. The transfer of this portion of the former cul-de-sac would be appropriate as it no longer serves any municipal purpose as an open road, however a small portion includes a public sanitary sewer, over which the Town will retain an easement.

The purpose of this report is to advise and make recommendations on the closure and sale of that portion of the Desro Drive cul-de-sac which no longer exists.

Comments

The portion of Desro Drive which Eleven Winds seeks to acquire to accommodate its parking, and other improvements, is described on Reference Plan 12R-19278 as Parts 20, 21 and 22 in the Town of Tecumseh, and County of Essex, a copy of which is appended as **Attachment 1** to this report. The Town will retain an easement over Parts 20 and 21, within which a municipal sanitary sewer currently exists.

Authority

The Municipal Act, 2001 S.O. 2001 c. 25 (Act) provides municipalities with the authority to pass by-laws in respect of a highway, if it has jurisdiction over the highway. The Town has authority over Desro Drive and may close a portion of the road and convey it to the neighbouring property owner – Eleven Winds.

Section 34(1) of the Act states that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office. Accordingly, a copy of a by-law authorizing the closing of a portion of Desro Drive and the

transfer of the lands must be registered in the Land Registry Office for the County of Essex (No.12).

Prior to passing such a by-law, the Town's Notice By-law No. 2003-06 requires notice to be given in a newspaper, once a week for three consecutive weeks.

Sale of Land

The sale of Town owned lands must be carried out in accordance with By-law No. 2003-09 which establishes the procedures for the sale of surplus real property (By-law).

The procedure is summarized in **Attachment 2** as appended to this report.

In keeping with the By-law, prior to the sale of any real property, a by-law or resolution must also be passed at a meeting open to the public to declare the real property to be surplus to the needs of the Corporation.

Consultations

Planning & Building Services
Public Works & Environmental Services

Financial Implications

The estimated cost of \$5,000 to \$7,500 to close and convey a portion of Desro Drive would be recovered from Eleven Winds. Any value received from the sale of the lands will be credited to the Town's Infrastructure Reserve.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website Social Media News Release Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Plan 12R-19278
2	Sale of Land Process