



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Laura Moy, Director Legislative Services & Clerk

Date to Council: February 22, 2022

Report Number: LCS-2022-06

Subject: Closure and Sale of a Portion of Brouillette Court

Recommendations

It is recommended:

That LCS-2022-06 entitled “Closure and Sale of a Portion of Brouillette Court” **be received;**

And that the Clerk **be authorized** to provide 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 as a highway that portion of Brouillette Court described as Part 1 Plan 12R-28795 in the Town of Tecumseh, County of Essex (Subject Lands) and to declare the Subject Lands surplus to the needs of the Town and authorizing the Subject Lands to be sold to 1230839 Ontario Ltd.;

And further that following notification, the Clerk **be directed to** prepare a By-law for Council’s consideration to: authorize the closure of a portion of Brouillette Court; declare the Subject Lands to be surplus to the needs of the Town; and authorize the Subject Lands to be sold to 1230839 Ontario Ltd.;

And furthermore that the cost incurred by the Town to close up and convey the Subject Lands **be assigned to** 1230839 Ontario Ltd.

Background

At the May 11, 2021, Regular Meeting of Council, [Report PBS-2021-20](#) entitled “Site Plan Control Agreement and Removal of Holding Symbol 1230839 Ontario Limited/ Brouillette Manor Long-Term Care Home 11900 Brouillette Court,” was considered by the Members.

At the meeting Motion [RCM-145/21](#) was passed giving approval to execute a Site Plan Control Agreement to facilitate the phased development of a new 96-bed long-term care facility, the demolition of the existing 60-bed long-term care facility and the addition of new associated parking areas, as well as certain landscaped services/works. The report and resolution also provided for authorization to execute such other acknowledgements/ directions for any related transfers or real property registrations contemplated by the Site Plan Control Agreement by the Mayor and Clerk.

[By-law Number 2021-39](#) was subsequently adopted at the May 25, 2021 RCM, authorizing execution of the Site Plan Control Agreement (SPCA) with 1230839 Ontario Ltd. (known as Brouillette Manor Long-Term Care Home and referred to hereafter as “Brouillette Manor”).

The SPCA requires that Brouillette Manor obtain a reference plan to accommodate the granting of an easement in favour of the Town for drainage purposes, sewers, hydro, gas, watermains, telephones, etc...; conveyance of a road widening in the future, if deemed necessary by the Town; and to permit the Town to convey to Brouillette Manor a portion of Brouillette Court. The easement in favour of the Town and conveyance in favour of Brouillette Manor are depicted in Attachment 2B of [Report PBS-2021-20](#).

The conveyance of a portion of Brouillette Court will accommodate parking lot improvements as set out in the SPCA. The portion of Brouillette Court to be conveyed to Brouillette Manor was once utilized as part of the Brouillette Court cul-de-sac, however with the prior extension of Brouillette Court southerly, the paved portions of the road comprising the cul-de-sac bulb were physically removed. 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.

The purpose of this report is to advise and make recommendations on the closure and sale of that portion of the Brouillette Court cul-de-sac bulb which no longer exists, prior to execution of any acknowledgements/ directions for any related transfers or real property registrations contemplated by the SPCA.

Comments

The portion of Brouillette Court which Brouillette Manor seeks to acquire in order to accommodate parking improvements, is described on Reference Plan 12R-28795 as Part 1 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 Part 2, for drainage purposes, sewers, hydro, gas, watermains, telephones, snow removal, etc., and conveyance of a road widening in the future, if deemed necessary by the Town.

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 Brouillette Court and may close a portion of the road and convey it to the neighbouring property owner – Brouillette Manor.

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 Brouillette Court 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 Town.

Consultations

Development Services
Public Works & Engineering Services

Financial Implications

The estimated cost to close and convey a portion of Brouillette Court is \$5,000, including but not limited to advertising, registration and legal fees. In accordance with the terms agreed to in the SPCA, Brouillette Manor will be responsible for the costs incurred by the Town.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" 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.
Director Legislative Services & Clerk

Reviewed by:

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

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Reference Plan 12R-28795
2	Sale of Surplus Land Procedures