



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-2022-07

Subject: Request to Purchase Portion of Right-of-Way Abutting 4795
County Road 46

Recommendations

It is recommended:

That LCS-2022-07 entitled “Request to Purchase Portion of Right-of-Way abutting 4795 County Road 46” **be received;**

And that Town owned lands abutting the south side of 4795 County Road 46 **be retained;**

And further that the request to purchase the Town Land **be declined.**

Background

The Town is in receipt of a request from the owners of 4795 County Road 46 to purchase a portion of the Town’s right-of-way (Town Land) which abuts the south side of their property.

The Town Land was acquired by the former Township of Sandwich South and was formerly part of the Canada South Railway.

The purpose of this report is to provide a recommended response to the request to purchase the Town Land.

Comments

The Town Land abuts lands currently still owned by the Canada Southern Railway Company to the south and are depicted on **Attachment 1**.

The Town Land immediately abutting the property at 4795 County Road 46 has a total area of 0.7413 hectares. It is a small segment of a longer strip of land extending to the east and west of the subject parcel that abuts the former railway line.

Alley Closing Policy

The Town adopted an [Alley Closing Policy](#) covering the closing and potential sale of streets, alleys and municipal road allowances within the Town.

The Alley Closing Policy has been prepared in compliance with the Municipal Act, S.O. 2001, c.25 (Act), and the Sale of Land By-law No. 2003-09 (Sale of Land By-law) adopted in accordance with the Act which requires all municipalities to adopt and maintain a policy with respect to its sale and disposition of land.

The Alley Closing Policy is intended to provide consistent, transparent and fair procedures relating to disposal of municipal owned streets, alleys and road allowances deemed surplus to the needs of the Town.

In the event a resident comes forward requesting an alley or road to be closed, there must be full support from the other residents abutting the alley for the closure to proceed.

The Corporation can also initiate the process by declaring an alley or road as surplus. In this instance resident(s) agreement is not necessary. When the Corporation initiates an alley or road to be closed, a public meeting will be held.

The subject Town Land does not necessarily fall within the scope of this Policy. However, in reviewing the request by the owner of 4795 County Road 46 to purchase a portion of the Town Lands, consideration was given to the procedures set out in the Policy.

Sale of Land

The sale of Town owned lands must be carried out in accordance with the Sale of Land By-law which establishes the procedures for the sale of surplus real property.

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

In keeping with this 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.

Consideration

The request to purchase the Town Land has been reviewed by Administration as to whether it could be declared surplus to the needs of the Town.

The following considerations were made when arriving at the recommendation set out above to retain the Town Land, and to decline the request for its purchase by the abutting owner:

- While the Town Land may not currently be formally used, it could serve a valuable purpose in conjunction with the former railway line for various modes of improved transportation linkages (rail and/or active transportation in the area. This potential for improved transportation linkages could benefit both existing and future residents in the broader area along with longer-term economic development initiatives in the general vicinity;
- If the land was no longer owned by the Town, future potential opportunities could not as easily be realized; and
- If the Town Land were to be sold, in part, it could adversely affect the full optimization of any future use by the Town.

In summary, in the opinion of Administration, it would be premature to sell the Town Land at this time and therefore it is recommended that the Town Land not be declared surplus and the request for it to be privately purchased be declined

Consultations

Development Services
Public Works & Engineering Services

Financial Implications

There are no financial implications.

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:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Map of Town Lands
2	Sale of Land Procedures set out in By-Law No. 2003-09