



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: September 13, 2022

Report Number: PWES-2022-38

Subject: Ministry of Transportation of Ontario
Transfer of Municipal Roads to the Town of Tecumseh
A Portion of Outer Drive and a Portion of South Talbot Road

Recommendations

It is recommended:

That Public Works and Engineering Services report PWES-2022-38 titled “Ministry of Transportation of Ontario Transfer of Municipal Roads to the Town of Tecumseh: A Portion of Outer Drive and a Portion of South Talbot Road”, **be received**.

Background

In 2011, the Ministry of Transportation for Ontario (MTO) began construction of the Right Honourable Herb Gray Parkway (Parkway) that extends from the Town of Tecumseh westerly through the Town of LaSalle and the City of Windsor. In doing so, the MTO temporarily assumed parts of Outer Drive and South Talbot Road (within the Town of Tecumseh’s limits) for the purpose of constructing the Parkway. This was done under the authority of the *Public Transportation and Highway Improvement Act (Act)*. This Act permits the Ministry to temporarily assume public or private roads that intersect, touch upon or give access to a King’s Highway, with the approval of the road owner, and to alter or relocate the road as required and/or to make use of the roads for the design and construction of the Parkway.

The cost of this work was considered part of the highway construction. During this period the MTO was fully responsible for these roads.

The final stretch of the Parkway road network opened on November 21, 2015.

A portion of Outer Drive (as shown in Attachment 1) and a portion of South Talbot Road (as shown in Attachment 2) remain under MTO ownership, and they would like ownership transferred back to the Town.

Comments

In 2019, representatives from the Town met with the MTO and the Windsor Essex Mobility Group (WEMG), the consortium selected (by the MTO) to design, build, finance and maintain the Parkway, to initiate consultation to complete legal surveys for the Parkway and applicable municipal roadway transfers. The road segments of Outer Drive and South Talbot Road are no longer needed by the MTO and therefore can be returned to the Town.

In January 2021, the MTO presented legal surveys for the two municipal road transfer locations to Town Administration. Refer to Attachments 3 and 4.

Town Administration agrees with these roadway transfers. The Town's Manager Public Works and Transportation conducted inspections of the relevant portions of Outer Drive and South Talbot Road. These road segments, which were reconstructed by the MTO as part of the Parkway project, are in good condition and no remedial work is required prior to conveyance. The Town's Public Works staff have maintained and continue to maintain these road segments and therefore are currently included in the operational maintenance schedule and respective budget.

The segment of Outer Drive between the realigned Highway 3 southerly to South Talbot Road will remain under MTO ownership. This portion of Outer Drive was utilized during the Parkway construction by heavy vehicles and equipment to enter a staging area and utility access and had subsequently damaged the roadway. This portion of Outer Drive now provides access to MTO owned lands and the Town does not require access to this segment of the roadway. Administration agrees with the MTO, that this portion of Outer Drive should remain with the MTO.

The MTO will add these roadway transfers to the ministry's list of planned municipal transfers, which include Orders-in-Council, to be processed. Section 29 of the *Public Transportation and Highway Improvement Act* allows the province to transfer any part of their Highways to a municipality by an Order-in-Council. At this time the MTO does not have an anticipated timeline for when this will be completed but will advise the Town accordingly.

Consultations

Ministry of Transportation of Ontario

Financial Implications

There are no financial implications associated with this report.

The MTO is responsible for the costs associated with the road transfer back to 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 checked="" 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:

Cheryl Curran, BES
Project Technician

Reviewed by:

Kirby McArdle, P.Eng.
Manager Public Works & Transportation

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	Location Map – Outer Drive
2	Location Map – South Talbot Road
3	Legal Survey – Outer Drive
4	Legal Survey – South Talbot Road