



Report to Council

Department: Development Services

Division: Planning

Date: May 19, 2020

Prepared by: Rita Jabbour, Manager, Planning Services

Report Number: Planning2020-09

Subject: Repeal of Subdivision Agreement (Parts 1 and 2 on 12R27717)

Number of Pages: 3

Recommendation(s)

That Planning report Planning2020-09 entitled Repeal of Subdivision Agreement prepared by Rita Jabbour, Manager, Planning Services, dated May 19, 2020 be received, and

That Council approve Bylaw 1915 to release the Subdivision Agreement registered on May 5, 2004 against the lands described as Parts 1 and 2 on 12R-27717, and

That the Town's Solicitor/Clerk be directed to execute all documents necessary to give effect to the actions taken by this Council as described in Bylaw 1915.

Purpose

Council's approval of Bylaw 1915 is required in order to remove the registered subdivision agreement between the Corporation of the Town of Essex and Essex 143 Joint Venture LTD, over the lands described as Parts 1 and 2 on 12R-27717 to facilitate the sale of Parts 1 and 2 to the Ministry of Transportation (MTO).

Background and Discussion

A request was received at the Planning department on May 7, 2020, from the solicitor representing the owners of the vacant lands located at the northeast corner of South Talbot Road.

The location of the subject parcel is indicated below:



In his letter, the solicitor notes that the owners of the subject lands have entered into an agreement to convey a portion of their lands to her Majesty, the Queen in right of the Province of Ontario, as represented by the Minister of Transportation (MTO) for the Province of Ontario. These lands are being conveyed to the MTO in order to facilitate the reconfiguration of South Talbot Road. This is necessary to accommodate heavier traffic volumes when South Talbot Road and South Talbot Road North are connected to form an arterial road connecting Victoria Avenue to Maidstone Avenue to compensate for the elimination of the intersection at Victoria and Highway 3.

As a condition of the sale, the MTO has requested a clean title to Parts 1 and 2. A subdivision agreement dated October 6, 2003 and registered on March 5, 2004 between the Corporation of the Town of Essex and Essex Joint Venture LTD exists over title of the subject property including Parts 1 and 2. The MTO is requesting that the subdivision agreement be removed against Part 1 and 2 on 12R27717 only in order to facilitate the sale of the lands.

The lands to be conveyed are identified as Parts 1 and 2 on the attached reference plan, 12R-27717 (southwest corner of the subject lands).

Financial Impact

There is no financial impact on the municipality.

Consultations

Lori M. Chadwick, RPP, MCIP, Director, Development Services

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Repeal of Subdivision Agreement (Parts 1 and 2 on 12R27717).docx
Attachments:	- 12R_27717.jpg - By-Law No 1915- Release of Subdivison Agreement for Parts 1 and 2 on 12R27717.docx
Final Approval Date:	May 12, 2020

This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - May 12, 2020 - 8:50 AM



Chris Nepszy, Chief Administrative Officer - May 12, 2020 - 3:57 PM

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This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Rita Jabbour, Manager, Planning Services was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Rita Jabbour, Manager, Planning Services - May 13, 2020 - 10:14 AM

No Signature - Task assigned to Lori Chadwick, Director, Development Services was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Lori Chadwick, Director, Development Services - May 13, 2020 - 10:15 AM

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Chris Nepszy, Chief Administrative Officer - May 13, 2020 - 10:15 AM