



Administrative Report

Office of the Director of Infrastructure Services

To: Warden McNamara and Members of County Council

From: Jane Mustac, P. Eng.
Director of Infrastructure Services/County Engineer

Date: Wednesday, October 21, 2020

Subject: County Road 42 – Lands with One (1) Foot Reserve

Report #: 2020-1021-IS-R029-JM

Purpose

The purpose of this report is to provide County Council with recommendations regarding the one (1) ft reserve along County Road 42 with the Tecumseh Hamlet area, from City of Windsor Limits to CR 19 (Manning).

Background

On November 20, 2019, Council for the Corporation of the County of Essex (the "County") approved the establishment of 0.3 metre (1 foot) reserve along County Road 42 within the Tecumseh Hamlet Area. The County provided that authorization pursuant to By-law Number 50-2019, that supports the application of the 0.3 metre (1 foot) reserve along the portions of the Project that would be constructed along the lands identified in Reference Plan 12R-27999, Reference Plan 12R-28003, and Reference Plan 12R-28000 (the "Subsequent Application").

A Motion was tabled at the Council meeting of September 2, 2020, which was passed at the Council meeting of September 16, 2020, to remove those parts from the Initial Application and the Subsequent Application that fall within the approved Urban Settlement Area of the Tecumseh Hamlet from the 0.3 metre (1 foot) reserve established in By-law Number 50-2019.

Administrative Report

Page 2

October 7, 2020

County Road 42 – One (1) Foot Reserve on Subject Lands

Discussion

The County purchased several 'Reserves', that are narrow strips of land 0.3 metres (one foot) wide that separate properties from the road allowance. They are owned and controlled by a municipality and are typically used as an access control tool. Where an existing driveway or an approved Consent or Development Agreement necessitates the release or "lifting" of a reserve, the process was to be addressed through the County permitting program to allow legal access to the corridor.

The dedication By-Law 50-2019 allows the lifting of only part of a reserve to support the new entrance upon completion of the project. Once complete, an updated reference plan would be prepared and registered on title. As the motion requested a lifting of the reserve on all parcels, an amendment to By-Law 50-2019 is required to release the reserve designation.

The 'lifting' of the reserve means that those lands are County owned parcels, but not part of the roadway. A separate By-Law to ensure that those lands acquired are formally declared as public highway will be presented at a future meeting.

Financial Implications

The Infrastructure Services Department 2020 budget has sufficient funds to support the additional legal and surveying fees.

Recommendation

That County Council adopt By-Law 2020-41 to amend By-Law 50-2019, with exclusions as identified.

Respectfully Submitted

Jane Mustac

Originally Signed by

Jane Mustac, P.Eng, Director of Infrastructure Services/County Engineer

Administrative Report

Page 3

October 7, 2020

County Road 42 – One (1) Foot Reserve on Subject Lands

Concurred With,

Robert Maisonville

Originally Signed by

Robert Maisonville, Chief Administrative Officer