



Administrative Report

Office of the Director, Infrastructure & Planning Services

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B.
County Solicitor

Date: Wednesday, March 15, 2023

Subject: Acquisition of Parts 1 and 2 on Reference Plan 12R-28989

Report #: 2023-0315-LCS-R03 -DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to seek County Council approval to negotiate the purchase of the lands identified as Parts 1 and 2 on Reference Plan 12R-28989 (the "**Lands**"), for certain improvements at the intersection of County Road 46 and Rochester Townline Road, including the installation of a roundabout (the "**Project**").

Background

The County is planning certain infrastructure improvements at the intersection of County Road 46 and Rochester Townline to be tendered and completed in the 2023 construction season. The Project to be completed includes the installation of a roundabout, for which additional lands will be required from private owners.

The County specifically requires the Lands identified as Parts 1 and 2 on Reference Plan 12R-28989, a copy of which is attached hereto as **Schedule "A"**. The County believes that the owners of the Lands are willing to sell the lands to the County.

The County will also require Parts 3 and 4 on Reference Plan 12R-28989, but has not yet been able to contact the owner of those Parts.

A sketch of the proposed Project is attached hereto as **Schedule "B"**.

Discussion

The County's long standing preference is to attempt to purchase lands when required rather than expropriate lands. A purchase completed between a willing buyer and a willing seller has often proven to be more cost effective and timely than the potential delays and uncertainty of the expropriation process.

With respect to the Lands in question, the County believes that the owners are willing to complete a transaction to sell the Lands to the County.

A further report to County Council will be required once it is confirmed as to whether the owner of Parts 3 and 4 is also willing to enter into a sales transaction.

Financial Implications

County Council has previously approved amounts in the budget for completion of this Project. It is anticipated that the costs for acquiring the Lands will be covered under the budget for that Project.

Consultations

In preparing this Report, I have consulted with the Finance Department, the County Solicitor, and the Interim CAO.

Recommendation

That Essex County Council authorizes the purchase of the Lands described as Parts 1 and 2 on Reference Plan 12R-28989, providing the purchase of the said Lands are for the amounts previously approved by County Council per Report 2023-0315-LCS-R01-DMS, and authorizes the Clerk and the Warden to execute such documents as may be required to complete the purchase of the said Lands.

Approvals

Respectfully Submitted,

David Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Mary Birch

Mary Birch, Interim Chief Administrative Officer

Appendix Number	Title
Schedule A	Reference Plan 12R-28989
Schedule B	Proposed Project Plan