



Administrative Report

Office of the General Manager

Essex-Windsor Solid Waste Authority

To: Warden Hilda MacDonald and Members of County Council

From: Michelle Bishop, CPA
General Manager, Essex-Windsor Solid Waste Authority

Date: **June 5, 2024**

Subject: **Essex-Windsor Regional Landfill Farm Lease Agreement**

Purpose

To seek authorization of Essex County Council to execute a farm lease agreement between the Essex-Windsor Solid Waste Authority, Christopher Malott Farming Enterprises Inc. and the County of Essex.

Background

The Essex-Windsor Solid Waste Authority, as a local board, cannot legally own property. The Corporation of the County of Essex is, therefore, the registered property owner of the lands upon which the Essex-Windsor Regional Landfill sits and buffering farm land surrounding the landfill. The acquisition of these lands was financed by the Essex-Windsor Solid Waste Authority. As the registered property owner, the County of Essex must be a party to any legal transaction relate to these lands.

Discussion

At the May 7, 2024, EWSWA Board meeting, the Board considered an Administrative Report from Michelle Bishop, General Manager. A copy of that report is attached as Appendix "A". Following consideration of that report, the EWSWA Board adopted the following resolution:

Administrative Report

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June 5, 2024

Essex-Windsor Regional Landfill Farm Lease Agreement

Moved By Kieran McKenzie

Seconded By Jim Morrison

- 1. That the Board accept Administration's recommendation to enter into an agreement with Christopher Malott Farming Enterprises Inc. for a five-year term commencing on November 1, 2024 and ending on October 31, 2029 at a rate of \$425 per acre, with three (3) optional one-year extensions, if mutually agreed upon by all parties, under the same terms and conditions as set out in the Contract; and,*
- 2. That since the County of Essex is the owner of the subject lands that a report be brought before Essex County Council recommending that the County of Essex be a party to the lease between the Authority and Christopher Malott Farming Enterprises Inc.*

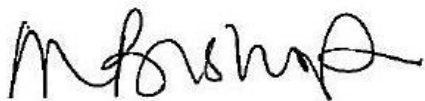
-Carried Unanimously

As the registered property owner of the lands to be rented to Christopher Malott Farming Enterprises Inc. the County of Essex must be a party to the lease agreement.

Recommendation

The Essex County Council adopt By-Law 6-2024 authorizing the execution of a farm lease agreement between the Essex-Windsor Solid Waste Authority, Christopher Malott Farming Enterprises Inc. and the Corporation of the County of Essex.

Respectfully Submitted



Michelle Bishop, CPA
General Manager

Attachment: Appendix "A" – EWSWA Administrative Report



Essex-Windsor Solid Waste Authority Administrative Report

April 23, 2024

To: The Chair and Board of the Essex-Windsor Solid Waste Authority

From: Michelle Bishop, General Manager

Meeting Date: Tuesday, May 07, 2024

Subject: **Request for Tenders for Rental and Use of Vacant Farmlands**

Purpose

The purpose of this report is to advise the Board of the outcome of the Request for Tenders (RFT) for Rental and Use of Vacant Land and to recommend that the lands be leased to Christopher Malott Farming Enterprises Inc. (CMFE) for an amount of \$425 per acre for the current available acreage of 813 acres. Total annual rent would therefore be \$345,525. The term would be for five years for the period November 1, 2024 – October 31, 2029, with three (3) optional one-year extensions, if mutually agreed upon by all parties, under the same terms and conditions set out in the Contract.

Background

Since 1995 with the construction of the Regional Landfill, the Authority along with the County of Essex (the County) has purchased several properties in the vicinity of the Regional Landfill. In total ten (10) properties purchased are able to be farmed and range in size from 31 acres to 370 acres. The total number of acres available for farming is 813.

The County is a party to the agreement because, under the conditions of the 1994 agreement between the County of Essex and the City of Windsor that created the Authority, the Authority cannot have title to a property. For properties located in the County that the Authority is required to manage as part of delivering waste disposal and waste diversion services to Essex-Windsor, the property title is in the

name of the County. Examples of this would include the Regional Landfill, Transfer Station #2 (located in Kingsville), and the farmland properties which are the subject of this report. Similarly, for property located in Windsor, Windsor would have title to those lands. An example would be the land on which the two recycling centres, transfer station and public drop-off are situated.

The subject lands are in the vicinity of the Essex-Windsor Regional Landfill (see attached). They are currently being leased to the same successful respondent at a rate of \$276 per acre (\$224,388 per year) and have been since November 1, 2016. The current lease expires on October 31, 2024.

Discussion

An RFT was issued on March 5, 2024 with submissions due on April 22, 2024. In order to receive as much of a response as possible to the RFT, the document was advertised as follows: EWSWA website, MERX, Biddingo, Windsor Star, County newspapers, area farmers, EWSWA website, and Ontario Greenhouse Vegetable Growers. There were three responses, all from local area farmers.

The price proposed by Christopher Malott Farming Enterprises Inc. of \$425 per acre was the highest of the three submissions received by the Authority.

CMFE has been the successful proponent of the last two procurements and has farmed the properties since 2011. Mr. Malott has complied with all terms and conditions of the agreements and has made investments to enhance the condition of the soil of the various parcels of land.

Since the County of Essex is technically the owner of the subject lands the County will also be party to the lease agreement.

Financial Implications

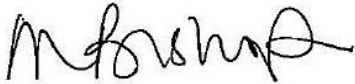
Rental Revenue will increase in 2025 to \$345,525 from the 2024 Rental Revenue amount of \$244,388.

Recommendation

1. THAT the Board accept Administration's recommendation to enter into an agreement with Christopher Malott Farming Enterprises Inc. for a five-year term commencing on November 1, 2024 and ending on October 31, 2029 at a rate of \$425 per acre, with three (3) optional one-year extensions, if mutually agreed upon by all parties, under the same terms and conditions as set out in the Contract.

2. THAT since the County of Essex is the owner of the subject lands, that a report be brought before Essex County Council recommending that the County of Essex be a party to the lease between the Authority and Christopher Malott Farming Enterprises Inc.

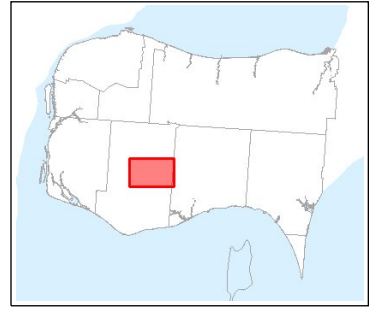
Submitted By



Michelle Bishop, General Manager

Attachments: EWSWA Vacant Land Map
Property List

EWSWA Vacant Land Map



Legend

- Trails
- Streets
- Rivers
- County Assessment Parcel
- 2004 Airphoto 50cm
- Municipal Boundary
- Windsor
- Essex Municipalities

Scale: 1:24,947

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes: Areas in yellow denote "Farmed Areas". All numbers shown represent the approximate area of that lot in acres.

PROPERTY LIST FOR 2024 REQUEST FOR PROPOSALS (UPDATED FEBRUARY 26, 2024)

Properties are located in close proximity to the Essex-Windsor Regional Landfill in the Town of Essex (Formerly the Townships of Colchester North and Colchester South)

PARCEL	ADDRESS	DESCRIPTION	ROLL	PARCEL KNOWN AS	APPROXIMATE ACREAGE
1	North of Concession 6 South of County Road 18 East of Coulter (2 Parcels Take Up Block)	All of Lots 13 & 14, Concession 6, in the former Township of Colchester South	37-54-840-000-03000-0000 & 37-54-840-000-03900-0000	AFF Farms	370 Acres
2	7847 County Road 18	East One-Half of The North One-Half of Lot 16, Concession 6, In the former Township of Colchester South	37-54-840-000-04200-0000	Wirag	42 Acres
3	First Property East of Ferris North of County Road 18	West Half of The South Half of Lot 17, Concession 7, in the former Township of Colchester North	37-54-350-000-00600-0000	Brockman	42 Acres
4	Approximately 7800 County Road 18	East Half of the South Half of Lot 17, Concession 7, in the former Township of Colchester North	37-54-350-000-00500-0000	Arnold Vincent	50 Acres
5	7700 County Road 18	West Half of the North Half of Lot 14, Concession 7, in the former Township of Colchester North	*37-54-360-000-00300-0000	Brotto	44 Acres
6	7700 County Road 18	East Half of The North Half of Lot 14, Concession 7, in the former Township of Colchester North	*37-54-360-000-00300-0000	Nicodemo	50 Acres
7	7879 County Road 18	Part of Lot 17, Concession 6, in the former Township of Colchester South	37-54-840-000-01300-0000	Curry	44 Acres
8	7025 Coulter Sideroad	Part of Lot 13, Concession 7, in the former Township of Colchester North	37-54-360-000-00400-0000	Glos	96 Acres
9	8782 Concession 8	Part of Lot 16, Concession 8, in the former Township of Colchester North	37-54-360-000-02200-0000	Fick	44 Acres
10	8803 Concession 8	Concession 7 N Pt Lot 16 in the former Township of Colchester North	37-54-360-000-04200-0000	McBeth	31 Acres
					Total 813 Acres

* Roll # for Parcels 5 & 6 are the same. Parcels were consolidated with roll # used for actual active landfill which is 37-54-360-000-00300-0000