



Subject: Grant of Easement to Oxford County – 1040 Progress Drive Property

Report Number: EDM 25-005

Department: Economic Development Department

Submitted by: Cephas Panschow. Development Commissioner

Meeting Type: Council Meeting

Meeting Date: Monday, February 10, 2025

RECOMMENDATION

- A. THAT report EDM 25-005 titled “Grant of Easement to Oxford County – 1040 Progress Drive Property” be received; and,
- B. THAT a 5 metre easement for the purpose of allowing the possibility of future water main looping along the West side of the 1040 Progress Drive property be granted to Oxford County; and,
- C. THAT a by-law be brought forward authorizing the Mayor and Clerk to execute any required documents, including easement and closing agreements, to effect the placement of the easement.

BACKGROUND

Oxford County Public Works identified the potential need for an easement along the West side of the Van Norman Innovation Park as part of the Site Plan approval process for Tillco Holdings Inc (Schep’s Bakeries). The purpose of the easement is to allow for the possible looping of a water main in the future should it be required and is not able to be placed elsewhere.

The potential need for water main looping was considered through the Plan of Subdivision approval process for the Van Norman Innovation Park. It was contemplated that the water main would loop through the 10.5 metre wide easement that runs mid-block through the Van Norman Innovation Park (East side of the Schep’s Bakeries property and shown as “Existing” on Figure 1 below). However, through Schep’s Site Plan approval process, Oxford County Public Works indicated that their preference was for any future water main looping, if needed, to be located along the West side of the Van Norman Innovation Park.

Figure 1 – Location of Existing and Requested Easements



The Site Plan approval process allows for public authorities to request easements through the process. Typically, this would be with the property owner only, but in this case, the easement is required to connect through the Town’s property at 1040 Progress Drive (the “Snow Storage” lands) and the County has requested that the Town provide the corresponding easement at this time as well. This is arguably something that should have been identified through the 2011 Plan of Subdivision process. As the Town is the developer of the Van Norman Innovation Park, Economic Development & Marketing staff will be coordinating with the private developer (Schep’s) to meet the requirements of the County.

Town Council approval is required for the disposition/acquisition of real property, including the placement of easements. Hence, Town staff are seeking approval to place an easement on the Town’s lands as requested by Oxford County.

DISCUSSION

The existing 10.5 metre easement located on the East side of Schep's property is sufficiently wide to accommodate the placement of a potential water main. However, Oxford County's recent Water/Wastewater Master Plan actually identified a mid-lot location for the easement that would have placed it in the middle of Schep's building, which is clearly not feasible.

As indicated above, the Town's Engineer (CJDL) had proposed this location through the subdivision process, but nothing was finalized through that process. Instead, the Town was permitted to install an "auto-flusher" at the end of the water main on Progress Drive as a temporary measure to reduce static water buildup at the end of the water main as part of the servicing.

In reviewing this requirement, Town staff identified a number of options including:

1. Adding a clause to Schep's Site Plan Agreement that, should an easement ever be needed for water main looping in the future, the County would be able to request one at that time.
 - a. *ANALYSIS: This would appear to be the simplest approach in that the potential need for a future water main easement would be provided for while avoiding the need and costs to prepare a new legal plan and registration for a speculative need, which, at the time of site plan approval, could have resulted in significant delays in the start of construction.*
OUTCOME: NOT SUPPORTED
2. Utilizing the existing 10.5 metre easement on the East side of Schep's property since this easement is already in place and sufficiently wide for both stormwater conveyance and the potential future water main.
 - a. *ANALYSIS: While this was the initial plan, this was seen as the least desirable option as the water main looping would be furthest from the Western end/termination of the existing or future water main.*
OUTCOME: NOT SUPPORTED
3. Securing an easement on the privately owned industrial lands (3301 Highway 3) to the West as part of their future development approvals once they proceed.
 - a. *Analysis: This would appear to be the optimal solution in that it would place the burden of providing the easement on the property owner who both needs and would benefit from the water main being looped through their property. Plus, the timing of development, although unknown, could*

coincide with the need for the water main looping, which has been tentatively identified in the 2034 time horizon in the Water/Wastewater Master Plan. In order to assist the County in achieving their objective, the Development Commissioner offered to work to secure the easement on this property at this time for a possible future need.

OUTCOME: NOT SUPPORTED

4. County utilizing the 10 metre wide Right-of-Way (ROW) located West of the 3301 Highway Property right on the Town boundary between Tillsonburg and the Township of Bayham.

- a. *ANALYSIS: This Road Allowance is half the width of a standard municipal ROW with presumably the other half being within the Township of Bayham/County of Elgin. The Town's solicitor has advised that, because this road allowance falls on the boundary between two local municipalities, the Town of Tillsonburg and the Municipality of Bayham have joint jurisdiction over it pursuant to subsection 29(1) of the Municipal Act, 2001. This road allowance would appear to be the most optimal solution as bringing a water main westerly through the 3301 Highway 3 property would allow for this property to be serviced while ensuring the future water main could be looped at the most Westerly location within the Town. Further, bringing the water main through here would also allow for water servicing along the entire frontage of the 3500 Highway 3 property on the North side of Highway 3 AND also connect into the dead-end water main currently located on the north side of Highway 3 (which is has been a dead-end connection for decades – presumably since the 1 Clearview Dr facility was constructed in the 1980s). A water main crossing of Highway 3 at the Town boundary would reduce the need for other crossings of Highway 3, which are expensive and time consuming.*

OUTCOME: NOT SUPPORTED

Option 4 would appear to solve four problems at the same time: (1) servicing 3301 Hwy 3 lands from at least two sides (through middle of lands and along West boundary), (2) providing a route to loop the water main from the VIP, (3) servicing the 3500 Hwy 3 property on the north side of Hwy 3, and (4) connecting into the existing water main on the north side of Hwy 3 where it currently dead ends.

Since the County would have the same ability to request/take an easement on the adjacent property to the west through either a Plan of Subdivision or Site Plan Application process or even just a servicing request from the property owner, the Development Commissioner, in consultation with the then Director of Operations and

Development, suggested Option 3 or 4 as optimal solutions; however, as indicated above, the only option acceptable to County Public Works was taking a speculatively needed easement for a potential water main looping sometime in the future (2034 or later), now from Schep’s Bakeries and the Town of Tillsonburg.

**Figure 2 – Looping Options Including at West Town Boundary ROW
(CJDL Option 2)**



Despite the options suggested and the late nature of the request (Plan of Subdivision draft approved in March 2011, but request made for the 3rd Site Plan Submission stage in December 2023) with the potential to delay the start of construction for Schep’s, these were not acceptable to County Public Works as they wanted a guaranteed water main easement now and the adjacent property was not going through any current approval processes and the County didn’t know if they will be able to obtain an easement through an approvals process by the 2034 timeline when the project is identified in the Water/Wastewater Master Plan.

CONSULTATION

Everest Estate Homes, as the contractor and on behalf of Schep's Bakeries, initially requested assistance in identifying and proposing alternative solutions to meet the requirements of Oxford Public Works. The Development Commissioner then consulted with the Operations and Development Department, CJDLE Engineering (as the design engineer for Phase 1 of the Van Norman Innovation Park), Duncan, Linton LLP, and Oxford County Public Works.

FINANCIAL IMPACT/FUNDING SOURCE

There will be survey preparation and legal registration costs of approximately \$5K associated with providing a 5 metre easement and these will be covered through the Economic Development & Marketing budget as the Town is both the subdivision developer and the owner of the 1040 Progress Drive property.

CORPORATE GOALS

How does this report support the corporate goals identified in the Community Strategic Plan?

- Lifestyle and amenities
- Customer service, communication and engagement
- Business attraction, retention and expansion
- Community growth
- Connectivity and transportation
- Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

Goal – Through community and regional partnerships, Tillsonburg will attract and retain a diverse range of businesses, creating employment opportunities for residents and a balanced tax base.

Strategic Direction – Instill an “open for business” culture across the corporation that prioritizes economic development and business attraction.

Priority Project – Marketing and build out of Van Norman Innovation Park

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ATTACHMENTS

Appendix A – Oxford County Easement template