

THE CORPORATION OF THE CITY OF WINDSOR
Office of the City Solicitor - Real Estate Division

**MISSION STATEMENT:**

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."

LiveLink REPORT #: 16965 SW/7961	Report Date: January 15, 2014
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To: Mayor and Members of City Council

**Subject: Acquisition Of An Easement From Nicodemo and Crowder
Required For Improvements To The Walker Road Corridor**

1. RECOMMENDATION: City Wide: _____ Ward(s): 9

I. That **APPROVAL BE GIVEN** to the acquisition of easement rights in favour of EnWin Utilities Ltd. on the following property for improvements to the Walker Road Corridor:

a] **OWNER:** Elizabeth Nicodemo, Lisa Marie Crowder and James Nicodemo
c/o Clarks Devonshire
Attention: Robert M. Clark
547 Devonshire Rd.
Windsor ON N8Y 2L6

b] **PROPERTY:** Vacant 12.9 square foot parcel of land legally described as Part of Lot 660, Registered Plan 1126 and more particularly designated as Part 1, Plan 12R-25359

c] **ACQUISITION PRICE:** \$500.00 plus HST as applicable

d] **CONDITIONS:**

1. This transaction shall be completed within 14 days after City Council approval.
2. The City agrees to pay all reasonable legal fees, disbursements, restoration costs and other miscellaneous costs related to this transaction.

II. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign any required written documents satisfactory in form and content to the City Solicitor and in

financial content to the Chief Financial Officer and City Treasurer and that the transaction **BE COMPLETED** electronically pursuant to By-Law 366-2003.

ACCOUNT CHARGED: 007-5210-7104001

2. BACKGROUND:

Council Resolution CR316/2010 in part states:

- I. That the Let's Get Windsor-Essex Moving (LGWEM) Phase 1 Border Projects Agreement dated January 2, 2006 and amended June 28, 2007, between the City of Windsor and the Province of Ontario, **BE AMENDED** to include the following:
 - b) The Province (MTO) will contribute \$15 million to the City of Windsor to be applied towards reconstruction of Walker Road from Cabana Road to E.C. Row.

Reconstruction of Walker Road between Airport Road and Division Road has been completed.

The City needs to acquire easement rights in favour of EnWin Utilites Ltd. for a guy wire as shown in Appendix A on the property municipally known as 3839 Walker Road. The size of the land impacted by the easement is 12.9 square feet.

3. DISCUSSION:

Administration offered \$500.00 plus HST for the acquisition of easement rights plus all reasonable legal fees and disbursements; appraisal costs, restoration costs and other miscellaneous costs associated with the transaction. The owners have accepted Administration's offer.

4. RISK ANALYSIS:

The subject easement is needed for a guy wire to be attached to the concrete hydro pole. If the easement rights are not attained shortly in order for the guy wire to be installed the hydro pole will lean towards Walker Road.

5. FINANCIAL MATTERS:

The total budget for Walker Road Corridor Improvements from Division Road to Digby Street, which includes the consulting fees, construction, utility relocations, and required land acquisition costs, is estimated at \$30 million.

The total costs are estimated as follows:

1. Acquisition of easement rights: \$500.00 plus HST if applicable
2. Reasonable legal fees, disbursements, restoration costs and other miscellaneous costs related to this transaction, which at this time are unknown.

There are sufficient funds available based on the committed funding of \$15 million from the Ministry of Transportation under "Let's Get Windsor-Essex Moving Initiative (LGWEM) (CR316/2010) (project#7104001) to complete the proposed Walker Road Corridor Improvements – Phase 1.


The costs for above noted services will be charged to chart field 007-5210-7104001.

6. CONSULTATIONS:


Fahd Mikhael, Engineer project lead

7. CONCLUSION:

The acquisition of easement rights for the compensation recommended above allows for the installation of the guy wire.




Frank Scarfone
Coordinator of Real Estate Services



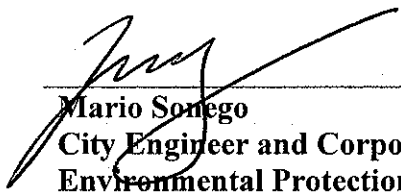
Mike Stamp
Manager of Real Estate Services



Shelby Askin Hager
City Solicitor



FOR Onorio Colucci
Chief Financial Officer/City Treasurer and
Corporate Leader Finance and Technology



Mario Sonogo
City Engineer and Corporate Leader
Environmental Protection and
Transportation



Helga Reidel
Chief Administrative Officer

APPENDIX: A

DEPARTMENTS/OTHERS CONSULTED:
Name:
Phone #: 519 ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX

Appendix A

