



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Committee of the Whole – Community Development

Date: October 2, 2023

Department: Community Development

Topic: Request for Easement in favour of 2099 Dundas Street

Purpose: To review and make a recommendation on a request to create a right of way over Township-owned property at 2093-2095 Dundas Street for a new business in Cardinal's downtown core at 2099 Dundas Street.

Background: Speska Holdings Inc. recently purchased 2099 Dundas Street, as a new home for business CPR-Pro. CPR-Pro has been in operation since 2002, selling CPR barrier devices online for first aid and CPR training. Customization of the devices will happen on-site. They intend to offer instructional classes within the building for groups of 15-20 people.

The property is within the Main Street Commercial zone in Cardinal's downtown core. The new Owner plans for some renovations to the interior of the building and a clean-up of the exterior. The existing building covers most of the lot, with no off-street parking or loading space available. The building has a set of double doors at the front, but the owner notes that a laneway for deliveries and courier pickups would create efficiencies for the business.

The adjacent property at 2093-2095 Dundas is owned by the Township. The previous 2-storey commercial building on this lot was demolished due to safety concerns. Tax arrears in the amount of \$78,699.26 were written off as uncollectible in 2016 when the Township assumed ownership after an unsuccessful public tender process. The lot was cleaned up in 2017 and now serves as a green space in the downtown core. The requested easement is outside of the green space and already exists as an entranceway and laneway beside the building at 2099 Dundas.

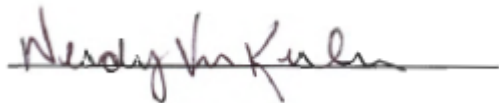
Speska Holdings requests a right of way over the Township's parcel that is 4.5m wide, spanning the full length of the property. Should the Township agree to provide the easement, the Owners intend to pave the right of way and install a roll-up door on the southwest side of the building so that it can be used as a loading area. The full request, provided by the Owner, is attached to this report.

If Council is in favour of providing the easement, the Owner would provide a registered survey of the right-of-way and staff would engage legal to draft the easement agreement. The easement agreement will be subject to Council approval before it is registered on title of both lots.

Policy Implications: The Township's policies, including the Sale of Surplus Land Policy 2015-44, do not prevent Council from granting an easement over municipal property. The Township will maintain ownership of the land. An easement agreement registered on title will also be applicable to future owners of the land.

Financial Considerations: The Owner agrees that all costs related to creating the easement are the responsibility of the Owner, including legal fees and registration costs.

Recommendation: That Committee recommend that Council proceed with the request for an easement over 2093-2095 Dundas Street in favour of 2099 Dundas Street; and authorize staff to obtain legal support in drafting an easement agreement for Council's consideration that deals with the maintenance and use of the land as requested by the Owner of 2099 Dundas Street.

A handwritten signature in cursive script, appearing to read "Neelby Van Kester", written over a horizontal line.

Community Development Coordinator