



Council-In-Committee Meeting – September 09, 2025

Subject: Request for Easement over part of Road Allowance Between Concessions 2 & 3, Windham, being Part 4 on Plan 37R-11794; Norfolk County
Report Number: CS-25-088
Division: Community and Development Services
Department: Realty Services
Ward: Ward 3
Purpose: For Decision

Recommendation(s):

THAT Staff Report CS-25-088, Request for Easement over part of Road Allowance Between Concessions 2 & 3, Windham, being Part 4 on Plan 37R-11794; Norfolk County, be received as information;

THAT Council grant an easement for an existing gas line under the County's Road Allowance Between Concessions 2 & 3, Windham; being Part 4 on Plan 37R-11794; Norfolk County;

THAT the property owner be responsible for all costs associated with implementing this easement agreement, including staff time spent;

AND FURTHER THAT the Mayor and Clerk be authorized and directed to enter into an easement agreement with the property owner and execute all necessary documents required to finalize the transaction.

Executive Summary:

The purpose of this report is to request Council's approval to grant an easement to a property owner for an existing gas line. The gas line, part of which is located under the County's Road Allowance Between Concessions 2 & 3, Windham; being Part 4 on Plan 37R-11794; Norfolk County, has been in existence since approximately 1981 and will formalize the property owner's interest in the lands which the gas line is located in order to continue to service the property located at 1191 Windham Road 3, Vanessa.

Discussion:

Belcan Farms Limited ("the property owner") is the owner of 1191 Windham Road 3, Vanessa which is currently receiving gas from Enbridge Gas. The originating gas meter

is located on the north side of Butler's Lane and this gas line passes through three other properties and also under a portion of Windham Road 3 (being the road allowance herein). This gas line has been in existence since approximately 1981 with no formal agreement in place. The property owner is requesting to formalize its existing gas service by obtaining easement agreements with the County and the various property owners. This will legally ensure continued gas service to the property, in perpetuity, for future generations/land owners and also recognize the easement across the County's road allowance.

The property owner previously submitted three applications to the County's Planning Department (Applications BNPL2025028, BNPL2025029 and BNPL2025030). These three applications relate to easement requests for the existing gas line located over Parts 1, 2 & 3 on Plan 37R-11794* (copy attached to this report) with the various property owners. These applications were all approved by the Committee of Adjustment at their May 21st, 2025 meeting.

The property owner also submitted a fourth application to Realty Services to request an easement agreement over Part 4 on Plan 37R-11794* which is part of the County's road allowance. Without this fourth easement, the property owner will not have total connectivity to establish the easements required for continued gas servicing 1191 Windham Road 2, Vanessa.

The property owner is aware that it will be responsible for all costs associated with establishing this easement over the County road allowance including surveying, preparation/registration of the Easement Agreement, signage, title search costs, etc. that are incurred by the County. Given that there is not a current application fee associated with this type of request, staff are recommending that costs incurred for staff time also be charged to the property owner.

*At the time of writing this report, it was discovered that there was a minor error (typographical) in Plan 37R-11794. This Reference Plan is in the process of being amended and staff will ensure that the amended Reference Plan is registered prior to the registration of the easement agreement that is the subject of this report.

Finance Comments:

As identified within the report, the property owner is to be responsible for all costs associated with establishing the easement over the County road allowance, including staff time incurred, therefore staff do not anticipate any immediate financial implications if Council were to grant this request. Ongoing maintenance of the easement and related infrastructure is expected to be minimal and can be accommodated within existing budget allocations.

Interdepartmental Implications:

Internal Departments were circulated and the following comments were received:

Fire Department

The gas line needs to have clearly identified signage that identifies the location of the line, the gas well operator and 24-hour emergency contact information, which may also be a requirement of TSSA or MNRF.

Engineering

Confirmation prior to registration of an Easement Agreement that the owner is a member of One Call. Signage will be required with owner and contact number on both sides of the road at property line.

Roads

The applicant will need to apply and receive all appropriate permits through Engineering, they will be responsible for all restoration to the satisfaction of Norfolk County, and responsible for all future maintenance of the gas line and any issues that may result from its installation. Signage will also need to be installed at the applicant's expense.

Risk

The applicant will be required to maintain property/liability insurance as per the easement agreement for the duration of the easement. The applicant will also provide proof of this insurance at each annual renewal.

No other comments or concerns were received.

Consultation(s):

General Manager, Community and Development Services
Director, Planning and Realty Services
Various Internal Departments
Finance

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Empowering Norfolk - Putting the tools and resources in place to ensure our businesses' and residents' success.

Explanation:

Granting an easement agreement over the County road allowance will ensure the property owner has continued access in perpetuity to the existing gas line servicing the property.

Conclusion:

Granting an easement and entering into an Easement Agreement with the property owner will ensure continued gas service to the property, in perpetuity, and recognize the easement across the County's road allowance.

Attachment(s):

- GIS Mapping
- Reference Plan 37R-11794

Approval:

Approved By:

Bill Cridland, General Manager, Community and Development Services

Reviewed and Approved By:

Bohdan Wynnyckyj, Director of Planning and Realty Services

Prepared By:

Karen Vanderhaeghe, Realty Services Specialist