

**Municipality of Chatham-Kent**  
**Infrastructure and Engineering Services**  
**Engineering Division**

**To:** Mayor and Members of Council

**From:** Mark McFadden, P.Eng.  
Acting Director, Engineering Division

**Date:** June 6, 2023

**Subject:** Purchase of Lands for Queen's Line and Merlin Road Intersection Improvement

---

**Recommendation**

It is recommended that:

1. The Mayor and Clerk be authorized to enter into the following agreements to obtain lands for construction of the Queen's Line and Merlin Road intersection improvement, subject to approval of the Director, Legal Services:
  - a) an Agreement of Purchase and Sale with Ms. Betty Grace Vince for approximately 0.882 acres of 5657 Queen Line, Chatham-Kent; and
  - b) an Agreement of Purchase and Sale with Pat Gleeson Farms Ltd. for approximately 0.820 acres of 23115 Merlin Road, Chatham-Kent.

**Background**

In 2018, a traffic study was completed for the intersection of Queen's Line and Merlin Road in the Community of Raleigh to investigate concerns regarding operational safety. The primary issue was the frequency of hazardous "passing on the right" maneuvers on Queen's Line, as well as the lack of sightlines for left turns from Queen's Line, and difficulty turning onto or crossing Queen's Line from Merlin Road.

The study recommended that the intersection be improved with either left turn lanes on Queen's Line and a traffic signal, or a roundabout. BT Engineering Inc. was retained to provide traffic engineering services for a design review of the intersection. Based on the information provided in consultant's report and public consultation, administration brought a report on the matter to the March 7, 2022, Council meeting where the recommendation to improve the intersection with a roundabout was approved, the design for which is depicted in Appendix "A".

Private property abutting Queen's Line and Merlin Road needs to be acquired by the Municipality to construct the roundabout. As depicted in Appendix "B" and "C", approximately 0.82 acres of 23115 Merlin Road and 0.882 acres of 5657 Queen's Line are required for the roundabout project.

At its March 27, 2023, meeting, administration brought a report advising Council that negotiations with the owners of the required properties had not been successful. After approximately seven months of negotiations, the owners had not accepted any of the offers to purchase made by the Municipality. At the March 27, 2023, Council meeting Council therefore authorized administration to serve and publish Notices of Application for Approval to Expropriate Land for these two properties to obtain the lands via the expropriation process.

On April 26, 2023, the lawyer for the property owners advised Legal Services that the Municipality's last offer would be accepted by his clients. Administration is therefore recommending Agreements of Purchase and Sale be entered into with the property owners to allow the Municipality to obtain the lands needed for the intersection improvement.

### **Comments**

Legal Services has drafted Agreements of Purchase and Sale, which the property owners of 23115 Merlin Road and 5657 Queen's Line have accepted. Administration has negotiated a purchase price of \$48,000 per acre for the required lands, amounting to a purchase price of \$39,360 for the portion of 23115 Merlin Road and \$42,336 for the portion of 5657 Queen's Line.

The property owners negotiated to include additional terms in the Agreements of Purchase and Sale. These terms include ensuring that access to the portion of each property retained by the owners will remain on Merlin Road, and that the Municipality will be responsible for reimbursing the property owners for any damage to their existing tiling system caused by construction undertaken for the roundabout.

Administration supports the purchases of these properties on the negotiated terms described. In contrast to the planned expropriation process, by entering into Agreements of Purchase and Sale, the lands will be transferred to the Municipality sooner. If the recommendation herein is approved, the closings will occur by the end of August 2023 at the latest, allowing for construction on the roundabout to proceed thereafter.

### **Areas of Strategic Focus**

This report supports the following areas of strategic focus:

|                                                                                   |                                                                                   |                                                                                    |                                                                                     |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |  |  |  |
| <b>Economic Prosperity</b>                                                        | <b>Healthy &amp; Safe Community</b>                                               | <b>People &amp; Culture</b>                                                        | <b>Environmental Sustainability</b>                                                 |
| 1.1                                                                               |                                                                                   |                                                                                    |                                                                                     |

### **Consultation**

The Director, Legal Services was consulted in the preparation of this report.

### **Communication**

Should the recommendation herein be approved, Legal Services will arrange for the Agreements of Purchase and Sale to be executed by the Mayor and Clerk, and the fully signed agreements will be shared with the property owners’ lawyer as the parties move forward with the closings.

### **Diversity, Equity, Inclusion and Justice (DEIJ)**

This report does not have implications related to diversity, equity, inclusion, or justice.

### **Financial Implications**

Administration has negotiated a purchase price of \$48,000 per acre for the required lands, amounting to a purchase price of \$39,360 for the portion of 23115 Merlin Road and \$42,336 for the portion of 5657 Queen’s Line. The Municipality will also be responsible for the costs of creating reference plans for the specific pieces of the property to be transferred, as well as the reasonable legal costs incurred by the property owners. The property acquisition costs will be included in the overall project costs set out in the approved Capital Budget for the new roundabout.

Prepared by:

Mark McFadden, P.Eng., Acting Director, Engineering

Reviewed by:

Edward Soldo, P.Eng., General Manager, Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

Dave Taylor, Director, Legal Services

Attachments: Appendix "A" - Depiction of Roundabout

Appendix "B" – Depiction of Land to be Acquired at 23115 Merlin Road

Appendix "C" – Depiction of Land to be Acquired at 5657 Queen's Line