

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 19-2021**

**Council Meeting Date: June 15, 2021**

**TO:** Mayor Weber and Members of Council

**FROM:** Will Nywening, Senior Planner

**RE:** Severance Agreement  
Concession LRE, Part Lots 4 and 5 & RP 25R5283 Part 1  
328 Ontario St South, Grand Bend

### **RECOMMENDATION:**

**THAT** Report PL 19-2021 respecting a request to enter into Severance Agreement, submitted by Merrywood Inc. and Kerry and Julie Ann Teskey, be received;

**THAT** the agreement between Merrywood Inc., Kerry Kevin Teskey and Julie Ann Teskey, and the Corporation of the Municipality of Lambton Shores, respecting a portion of 328 Ontario St South, Grand Bend, be approved; and

**THAT** By-Law 42 of 2021 authorizing the execution of an agreement with Merrywood Inc. and Kerry Kevin Teskey and Julie Ann Teskey be approved.

---

### **SUMMARY**

This report relates to a request by Merrywood Inc. and Kerry and Julie Ann Teskey to enter into a severance agreement respecting a portion of lands known as 328 Ontario St South, Grand Bend, in fulfillment of a condition of consent for Consent Application B-01/2021 (Attachments 1 and 2).

### **BACKGROUND**

The Township of Bosanquet entered into a development agreement respecting the first phase of the Merrywoods subdivision on September 17, 1990, which included provisions for the conveyance of land to the Municipality temporarily for a temporary cul-de-sac at the end of Merrywoods Drive.

The Committee of Adjustment granted consent to create a vacant residential building lot at the end of Merrywoods Drive. Conditions of approval included that the applicant rezone the proposed lot and that the applicant enter into a severance agreement respecting lot servicing, private sewage disposal, converting the cul-de-sac to a

permanent cul-de-sac standard, and the return of excess land around the cul-de-sac from the Municipality.

Council passed Zoning Amendment By-law 06-2021 on February 9, 2021 in fulfillment of the condition of consent requiring a rezoning. It rezoned the proposed building lot to a site-specific R6-33 Zone with site-specific lot size requirements and a reduced front yard setback.

Staff has prepared an authorizing by-law and a draft development agreement to address the condition of consent respecting entering into a severance agreement with the Municipality. They are included in the by-laws section of Council's agenda. The agreement has three parties: the Municipality, Merrywoods Inc. as the current landowner, and Kerry Kevin Teskey and Julie Ann Teskey as the intended purchasers of the new lot who will be responsible for all requirements under the agreement once the lot is created and conveyed to them. Notable requirements of the agreement include:

- The Municipality will retain a portion of Block 55 as a cul-de-sac and dedicate it as a public highway, with the Teskeys paying for registration of the road dedication by-law.
- The balance of Block 55 will be conveyed back to the original land, part forming a part of the new lot being acquired by the Teskeys and the rest conveyed back to the parcel retained by Merrywood Inc. This is consistent with the provisions of the 1990 subdivision agreement.
- The Municipality will acquire an easement for a public walkway along the edge of the River over the new lot as per a condition of consent.
- The cul-de-sac will be upgraded at the Teskey's cost to an urban standard with curbs and proper drainage. An 11m radius is being accepted instead of the normal 13m radius.
- Before any permit is issued to construct a house on the new lot, the Teskeys will provide a security for the estimated cost of the works required under the agreement.
- The applicant will install a septic system consistent with the hydro-geotechnical report completed in support of the severance application.

The proposed development agreement implements a condition of consent, addresses concerns unique to the lands, and further implements the development approved in principle by Council and the Committee of Adjustment through rezoning and provisional consent. Staff has no objection to approval of the development agreement as drafted.

### **ALTERNATIVES TO CONSIDER**

None at this time.

### **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 19-2021;
- Approve the development agreement between Merrywoods Inc., Kerry and Julie Ann Teskey, and The Corporation of the Municipality of Lambton Shores; and
- Pass By-Law 42 of 2021.

### **FINANCIAL IMPACT**

The agreement requires the applicant to provide securities for the completion of the works required under the agreement and all costs associated with dedicating the cul-de-sac as a public highway. The applicant previously paid zoning and severance application fees.

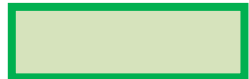
### **CONSULTATION**

Peter Warner, Merrywoods Inc.  
Kerry and Julie Ann Teskey  
Nick Verhoeven, Community Services Department

## Attachment 1 – Subject Lands



**Subject Lands**



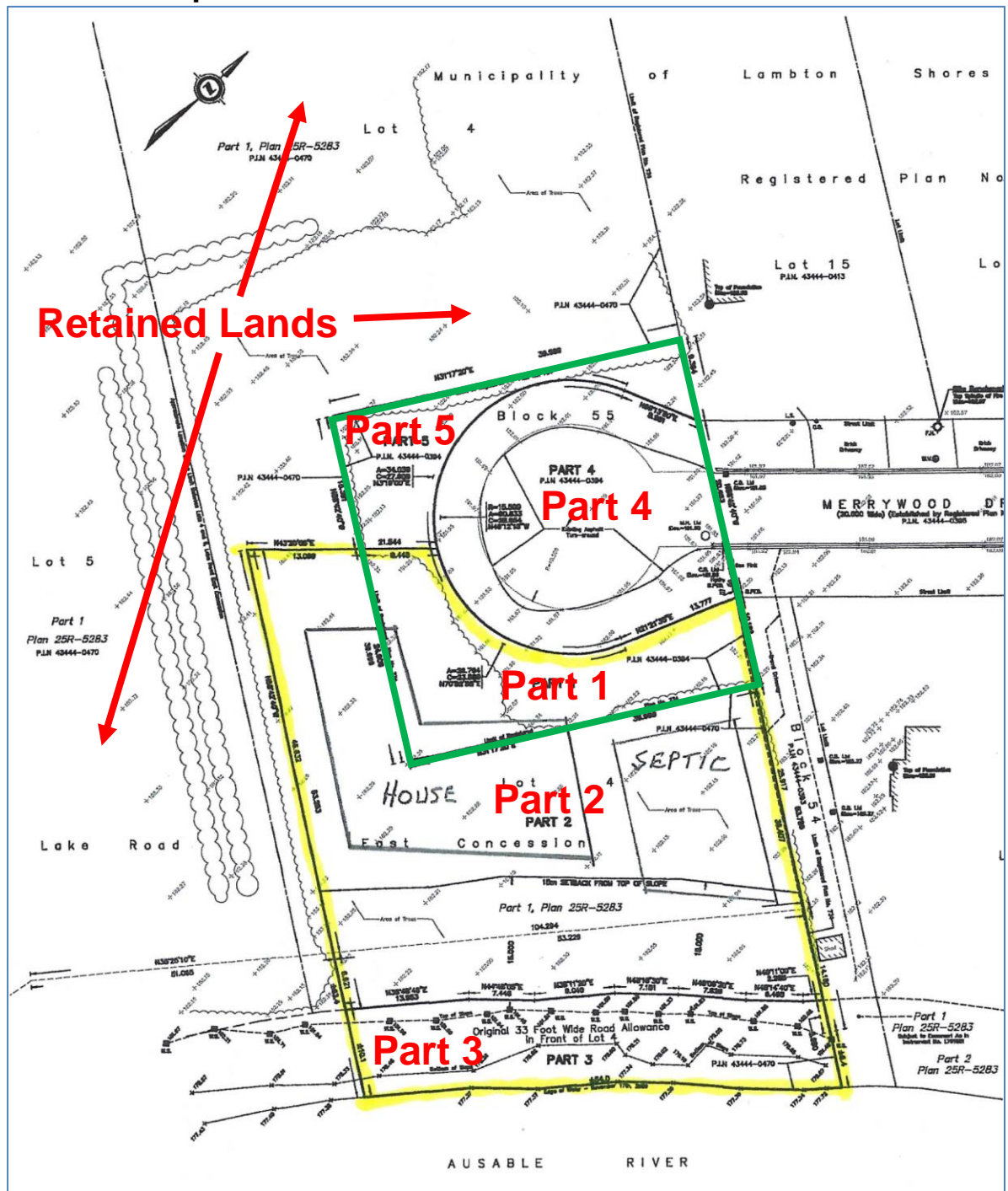
**Proposed Severance**



**Lands to be reacquired from Municipality  
and compose part of proposed lot**

**Locations approximate**

## Attachment 2 - Proposed Lot



**Proposed Lot – Parts 1 to 3**



**Municipally owned parcel on which the temporary cul-de-sac is located – Parts 1, 4 & 5**