

**CRITERIA # 3 (Impact of Restrictions (By-laws, Rights-of-Way, Easements, etc.))**  
**Weight: 4**

**Assessment Definition:** There should be no restrictions on the use of the property, including below grade services easements. In essence, the property should have clear title. Particular attention should also be paid to municipal drains.

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	Vendor Response	Stantec Response	Notes	Scale
<b>Site A</b>	There is an easement for municipal services over a small part of the property abutting Oldcastle Road (Part 2 on the Reference Plan - Tab 2) that does not impact the development of the Site. There are two municipal drains on the property as shown on the Reference Plan. These drains are at the top end of the drainage area and while they service other lands, the subject lands constitute the majority of the contributing area and as such the drains can be enclosed or relocated. ERCA advises that the Storm water Management Plan required for the Site development will be required to detail any proposed relocation or enclosure of the Municipal Drains. 23.7 acres of the Lands have been placed in the "Natural Environment Overlay" - Schedule B2 in the County Official Plan. The loss of these 23.7 acres to development leaves 53.42 acres for development. The development of the Site is subject to an Environmental Impact Assessment ("EIA") study for that part of the Site within 120 meters of the Natural Environment Overlay Lands. The requirements, resulting from this study are anticipated to be minor in nature so as not to impact the 53.42 acres of developable lands. Figure 3C is Letter from ERCA re. the development of the Site. See Attachment 3.			
<b>Site B</b>	There are no known restrictions on the use of the Site. This Site has clear title as per the attached Title search document attached, Schedule B"			
<b>Site C</b>	City of Windsor sanitary sewer easement to Detention facility: n/s at west lot line 200ft + west to east 1,800 ft. + n/s at east lot line 450 ft. = 2,450 ft X 30 ft wide = 73,500 sq ft = 1.68 acres. Easement to Azar for access - 1,000 ft X 66 ft = 66,000 sq ft = 1.515 acres. There is one existing and one abandoned CN rail spur line running through the westerly limits of the site. The north-south spur is abandoned; the curved spur is still active, with one train per day that moves traffic between rail yards. Total easement area = 3.20 acres. These easements do not restrict development on the subject lands. There also is a drain on site that is subject to Essex Region Conservation Authority regulations. It is located in an area of the site that would have minimal impact on any development.			
<b>Site D</b>	There are no restrictions on the use of the property. There are easements registered for future streets for a proposed residential subdivision. These are held in the name of the Town of Essex. Should this site be selected for the hospital development the subdivision plan would be removed at the same time.			
<b>Site E</b>	There are no restrictions on the lands. 3 (a) There are no below grade service easements, by-law or right of way restrictions. 3 (b) The site is free and clear from all encumbrances. This response is applicable to all three (3) parcels of land that form the subject site.			
<b>Site F</b>	See Tab "2"-Land Plan. There is a 50 m by 50 m cellular tower located on the property please see Tab "6"- Location of Cellular Tower. However the Cellular Tower is in close proximity to the 401 setback restriction. Even with the Cellular Tower the Site contains well over the amount of land required to develop the Hospital. Further there is a creek that runs through the center of the Site, however our position is that the creek is a benefit, because a box culvert can be built above it, turning the creek into a storm sewer. There is also a 401 road allowance which is detailed as Part 1 on the Land Plan in Tab "2"-Land Plan.			
<b>Site G</b>				

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<b>Site H</b>	There are NO RESTRICTIONS on the use of the property that will have an adverse impact on the development process nor are there any restrictions that will require mitigating or removing restrictions: 3.1 There is a service easement running along the frontage of Banwell Road to accommodate sanitary service lines located along the frontage of the subject lands. This easement will be utilized when locating future services for the development. 3.2 The La Chance Drain is a municipal drain (ditch) running through the property. With the development of the lands for a hospital campus, Site Plan Control will apply and the La Chance drain will be addressed: it will be moved, removed or utilized for the development. This is not a prohibitive item that will restrict development of these lands. There are no title or property restrictions that will limit or restrict the use of the subject lands. In accordance with the attached Survey (TAB 2) and attached Title Search (TAB 3), there are no easements, right-of-ways or other service lines on these lands and title is free and clear.			
<b>Site I</b>	No restrictions or encumbrances on the lands.			
<b>Site J</b>	Parcel B - Shared Access Agreement (attached) with Jacobs. Parcel A,B,C - Union Gas Right of Way (attached)			
<b>Site K</b>	The easements and restrictions associated with the Subject Site are listed in the Title Search (refer to Tab 3). The only other known restriction on the Subject Site is a condition on Title that General Motors of Canada Inc. has the right to approve any rezoning of the property to residential, institutional, or public park use. This restriction is related to the environmental cleanup of the site - which is addressed in further detail in Item 32 of this submission form.			
<b>Site M</b>	The PIN sheets provided include lands both inside and outside of the proposed hospital site. As with all sites in the vicinity of the Windsor International Airport, the proposed hospital site is subject to Airport Zoning Regulations (R459284, R844423, and R844424). The applicable zoning regulations (R459284, R844423, and R844424) are included as Appendices 3-1, 3-2 and 3-3 respectively. These regulations state that the maximum height for any building on the proposed site would be 45m (147ft) which represents an approximate height of 10 storeys (based on 4m/13ft per storey). The proposed hospital site is also subject to an Option to Purchase (R1449447) applicable until December 30, 2056, exercisable by the Federal government in the event that the City ceases to continuously, actively and diligently manage, operate and maintain a certified airport open to the public on the existing airport lands. The City will take steps to address the Option to Purchase instrument as the process progresses. A copy of the Option to Purchase (R1449447) is included as Appendix 3-4. Instrument CE615561 is an Option to Lease affecting lands adjacent to the proposed hospital site. If this option is triggered, height restrictions will apply to the proposed site requiring 3m of setback from the north, west and east site boundary for each metre of building height. This translates to approximately 12m of setback per storey based on a per-storey height of 4m. A copy of the Option to Lease (CE615561) is included as Appendix 3-5. As described in criterion 30, the NEF/NEF contours as shown on the draft survey identify an NEF 25 value bisecting the proposed site. Under Transport Canada and the Ontario Ministry of the Environment guidelines any hospital building located between NEF 25 and 30 contours will be subject to the recommendations of a noise study. The noise study will determine if any mitigation is required to achieve desired indoor sound levels through the use of building components such as windows, doors, roofs or walls. Any hospital buildings located below the NEF 25 contour (i.e. to the south of the NEF 25 contour line) will not be subject to a noise study and the use of standard building components required under the Ontario Building Code will be sufficient. There are no municipal drains on the proposed site.			

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<b>Site N</b>	No Restrictions			
<b>Site O</b>	There are no restrictions on this property that would hinder development of a major institutional project FOR DETAILS & INSERTS SEE INDEX TAB 3			
<b>Site P</b>	There are no known restrictions on the land that would impede development.			
<b>Site Q</b>	There are no restrictions or adverse impacts that would affect the development on the Site.			
<b>Site R</b>	As mandated within the RFP documents, a current title search for the property is required. You will find the required title search within Section 1: Tab A. As depicted within the Property Identification Sheet, it is evident that there are not encumbrances, easements or restrictions registered on title to these lands. As such, there are no title restrictions in place that would prevent this site from being developed for the purposes of the Acute Care Hospital Facility.			
<b>Site S</b>	As mandated within the Request for Proposals documents, a current title search for the property is required. You will find the required title search within Section 1: Tab A. As depicted within the Property Identification Sheet, it is evident that there are not encumbrances, easements or restrictions registered on title to these lands. As such, there are no title restrictions in place that would prevent this site from being developed for the purposes of the Acute Care Hospital Facility.			

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<b>Site T</b>	The Site is subject to easements in favour of Union Gas. Further, an Agreement is registered on title that permitted adjacent land owners to construct a storm water retention facility on the Site. Attached as Appendix "B" is a copy of the Agreement dated March 14, 1997, which is registered on title as LT210877. To the best of our knowledge and belief, given the size of the Site, the easements would not impede construction of an acute care hospital on the Site.			
<b>Site U</b>	Provided in Item # 2 Title Search			

Signature \_\_\_\_\_

Date \_\_\_\_\_