



# Staff Report

Town Solicitor

**Report To:** Committee of The Whole  
**Meeting Date:** March 12, 2018  
**Report Number:** PDS.18.19  
**Subject:** By-law to establish lands as part of a highway in Registered Plan 16M-23 (Peaks Bay East)  
**Prepared by:** John G. Metras Q.C., Town Solicitor

## A. Recommendations

THAT Council receive Staff Report LS.18.01, entitled “By-law to establish lands as part of a highway in Registered Plan 16M-23 (Peaks Bay East)”, and

THAT Council enact a by-law to establish Blocks 25, 26, 27 and 28, Plan 16M-23 as parts of the public highway known as Ellis Drive.

## B. Overview

The Town is the owner of Blocks 25, 26, 27 and 28, Registered Plan Plan 16M-23 which were acquired to form part of a turning circle at the east end of Ellis Drive on Plan 16M-23 (Peaks Bay East) and it is necessary to establish these blocks as parts of a public highway known as “Ellis Drive”.

## C. Background

Registered Plan 16M-23 established the Peaks Bay East Plan of Subdivision in November 2008. This Plan included a road, Ellis Drive, which was intended to end in a temporary cul-de-sac as its western end. The temporary turning circle is made up of Blocks 25, 26, 27 and 28. The reasoning for the temporary turning circle was to allow for vehicular movement until the lands to the west were developed. Ellis Drive and Blocks 25, 26, 27 and 28 are owned by the Town. The road works have yet to be assumed. Plan 16M-23 is included as attachment “1” to this report.

## D. Analysis

From a review of the development in the area it seems highly unlikely that lands to the west of Ellis Drive will be further developed for additional residential uses. As such, it is appropriate to formerly recognize Blocks 25, 26,27, and 28 as part of the public highway known as Ellis Drive through a by-law. A draft by-law is included as attachment “2” to this report.

Block 36, a one foot reserve placed at the end of Ellis Drive, will remain in place.

Should Ellis Drive ever be extended to the west Block 36 can be removed and Blocks 25, 26, 27 and 28 can be merged with the abutting parcel fabric.

Recognizing Blocks 25, 26, 27 and 28 as part of Ellis Drive will also facilitate the assumption of Ellis Drive anticipated for later this year.

## **E. The Blue Mountains Strategic Plan**

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Goal #5 - Ensure that our infrastructure is sustainable

## **F. Environmental Impacts**

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Not applicable

## **G. Financial Impact**

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Not applicable

## **H. In consultation with:**

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Michael Benner, Director of Planning and Development Services

## **I. Attached**

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1. Attachment 1 – Plan 16M-23
2. Attachment 2 – Draft By-law

Respectfully Submitted,

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John G. Metras Q.C.  
Town Solicitor

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Michael Benner, MCIP RPP  
Director of Planning and Development Services

For more information, please contact:  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

Clerk's Department  
Town of The Blue Mountains

THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF GREY No. 1(6) AT 15:15 O'CLOCK ON THE 16<sup>th</sup> DAY OF December 2008, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER PIN 37309-0002(LT), AND THE REQUIRED CONSENTS ARE PRESENTED, AS REQUIRED BY THE LAND REGISTRAR

THIS PLAN COMPRISES ALL OF PIN 37309-0002(LT) LOTS 9, 10, 14, 15, AND 19 TO 24 INCL. SUBJECT TO EASEMENT AS IN INST. GY11408

PLAN OF SUBDIVISION OF  
PART OF LOT 26  
CONCESSION 5  
(GEOGRAPHIC TOWNSHIP OF COLLINGWOOD)  
TOWN OF THE BLUE MOUNTAINS  
COUNTY OF GREY

SCALE 1:750

0 3 6 9 12 15 30 METRES

ZUBEK, EMO, PATTEN & THOMSEN LTD.  
2008

METRIC

DISTANCES ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

THIS FINAL PLAN OF SUBDIVISION IS APPROVED UNDER SECTION 5 (15B) OF THE PLANNING ACT, CHAPTER P 13 R.S.O. 1990 AS AMENDED.  
THIS 12<sup>th</sup> DAY OF December 2008.  
*Janice McDonald*  
DIRECTOR OF PLANNING

NOTES:

BEARINGS HEREON ARE ASTROMONIC AND ARE REFERRED TO THE BEARING OF THE NORTHERLY WIDENED LIMIT OF THE KING'S HIGHWAY No. 26 BEING N85°54'00"E IN ACCORDANCE WITH PLAN 16R-9111.

- ⊕ DENOTES SET
- ⊙ DENOTES FOUND
- ⊕ S.B. DENOTES STANDARD IRON BAR
- ⊕ I.B. DENOTES IRON BAR
- ⊕ S.S.B. DENOTES SHORT STANDARD IRON BAR
- ⊕ C.C. DENOTES CUT CROSS
- PI REFERS TO PLAN 16R-9111
- DI REFERS TO EASEMENT AS IN INST. GY11408
- WTF DENOTES WITNESS

UNLESS OTHERWISE NOTED ALL SET BARS ARE I.B.  
UNLESS OTHERWISE INDICATED ALL SET BARS MARKED P.C. OR P.R.C. ARE S.B.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 8TH DAY OF SEPTEMBER 2008.

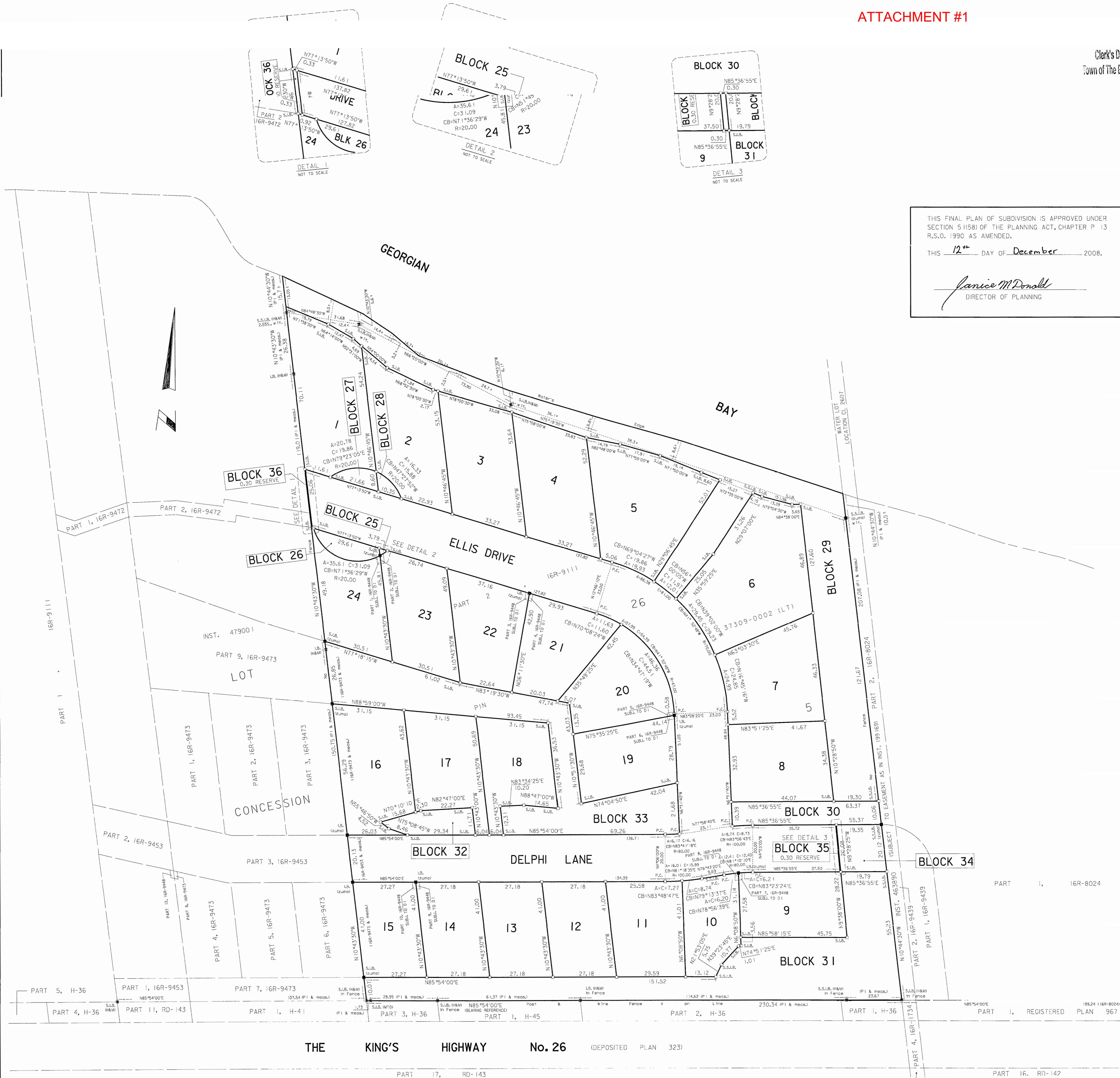
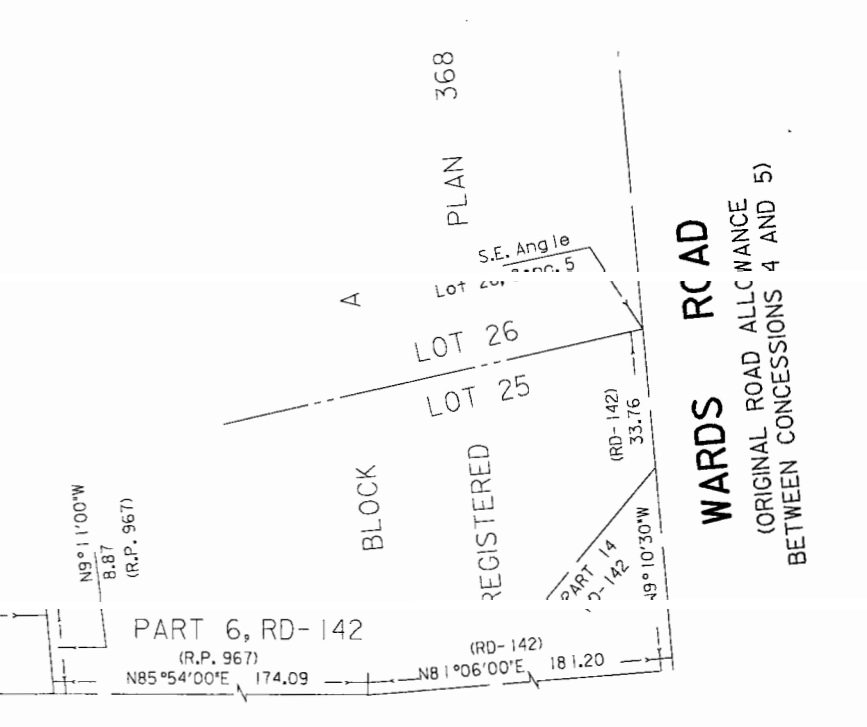
OCTOBER 24, 2008  
*Paul R. Thomsen* O.L.S.  
PAUL R. THOMSEN  
ONTARIO LAND SURVEYOR  
COLLINGWOOD

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:  
1. LOTS 1 TO 24 (BOTH INCLUSIVE), BLOCKS 25 TO 34 (BOTH INCLUSIVE), THE RESERVES NAMED BLOCKS 35 AND 36 AND THE STREETS NAMED ELLIS DRIVE AND DELPHI LANE HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS.

2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS AS PUBLIC HIGHWAYS.  
DATED THIS 4TH DAY OF NOVEMBER 2008

PB HOLDINGS LIMITED  
*Ken Kent*  
KEN KENT  
I HAVE THE AUTHORITY TO BIND THIS CORPORATION



THE KING'S HIGHWAY No. 26 (DEPOSITED PLAN 323)

## The Corporation of the Town of The Blue Mountains

### By-Law Number 2018 –

Being a By-law to establish lands as part of a highway in Registered Plan 16M-23 (Peaks Bay)

WHEREAS Sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, enable the Council of a municipality to pass by-laws to establish lands as public highways.

AND WHEREAS the Corporation of the Town of The Blue Muntains is the owner of the lands described as Blocks 25, 26, 27 and 28, Plan 16M-23 and wishes to establish these lands as part of the public highway known as "Ellis Drive".

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Blocks 25, 26, 27 and 28, Registered Plan 16M-23 are hereby established as parts of the public highway known as Ellis Drive.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
John McKean, Mayor

\_\_\_\_\_  
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2018-\_\_\_\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Dated at the Town of The Blue Mountains, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Corrina Giles, Clerk