

STAFF REPORT: ENGINEERING AND PUBLIC WORKS DEPARTMENT

REPORT TO: **Committee of the Whole**
MEETING DATE: **April 7, 2014**
REPORT NO.: **EPW.14.005**
SUBJECT: **Assumption By-law for**
 Registered Plan 16M-4 – Pyatt
 Avenue and Pyatt Court

PREPARED BY: **Mike Campbell, Construction**
 Coordinator

A. Recommendations

THAT Council receive Staff Report EPW.14.005, “Assumption By-law for Registered Plan 16M-4 – Pyatt Avenue and Pyatt Court”;

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-4, Pyatt Avenue and Pyatt Court.

B. Background

The developer of the Kingside Stonegate Subdivision (Registered Plan 16M-4, Pyatt Avenue and Pyatt Court, as shown on Attachment 1) advanced the development to Basic Services and it is reported that the lots were sold to a builder who constructed homes and sold these homes to individuals. The developer did not advance the project to completion once the bulk of the homes were constructed as would be expected. There was also an issue of non-performance with plowing the roads in the subdivision which was a developer responsibility until assumption of the subdivision. The developer was not responsive to correspondence sent to their last known address regarding their responsibilities.

Following an extensive internet and Toronto Stock Exchange records search, the developer was located. After several rounds of correspondence with the signatory of the Development Agreement and their reported partner, Staff declared the developer in default of the Agreement in accordance with the appropriate terms in the Agreement. As able under the Agreement, the Town caused the Works to be completed by utilizing the development securities.

The Town costs included the direct contract costs to correct deficiencies and complete the works, Staff time to develop and administer the contract plus past snow plowing costs. The available securities covered the direct contract costs as well as the bulk of the Staff time and snow plowing costs. There were no surplus securities that could be returned to the developer.

Now that the Works are completed, it is appropriate for the Town to assume the ownership of the Public Works within the development. All Department heads have acknowledged clearance of the acceptance and assumption of the works.

A draft by-law has been prepared to initiate the following and is provided as Attachment 2.

1. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-4 are hereby accepted and assumed.
2. Pyatt Avenue and Pyatt Court shown on Registered Plan 16M-4 are hereby assumed for public use.

Staff recommend Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-4, Pyatt Avenue and Pyatt Court.

C. The Blue Mountains' Strategic Plan

Town's Strategic Plan Goal No. 2 "Addressing the Town's Municipal Infrastructure needs" is in part satisfied by the recommended action.

D. Environmental Impacts

Not applicable

E. Financial Impact

The Town will now become responsible for all operation, maintenance and ultimate replacement costs associated with public works within Registered Plan 16M-4. Future Town budgets will make allowance for these costs.

F. In Consultation With

David Finbow, Director of Planning and Building
Robert Cummings, Director of Finance and IT Services
Shawn Everitt, Director of Community Services
Ron Doherty, Fire Chief
John Metras, Town Solicitor

G. Attached

1. Registered Plan 16M-4.
2. Draft Assumption By-Law for Registered Plan 16M-4.

Respectfully submitted,

Mike Campbell
Mike Campbell
Construction Coordinator
Town of The Blue Mountains

Reg Russwurm
Reg Russwurm
Director, Engineering and Public Works
Town of The Blue Mountains

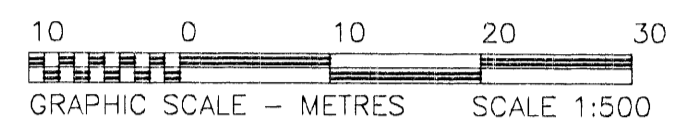
PLAN 16M-4

I CERTIFY THAT THIS PLAN 16M-4 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF GREY (N° 16) AT 1:03pm O'CLOCK ON THE 8th DAY OF February, 2006, AND ENTERED IN THE REGISTER FOR PARCEL PLAN-1 SECTION 16M-4, AND THE REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT N° LT445
J. McConal
Dee LAND REGISTRAR

NOTE: THIS PLAN COMPRISES ALL OF THE LAND DESCRIBED IN PARCEL BLK12-1, SECTION PL1129-BMS.

PLAN OF SUBDIVISION OF
BLOCK 12,
REGISTERED PLAN 1129,
THE TOWN OF THE BLUE MOUNTAINS,
COUNTY OF GREY.

MARTIN W. KNISLEY
Ontario Land Surveyor
2005

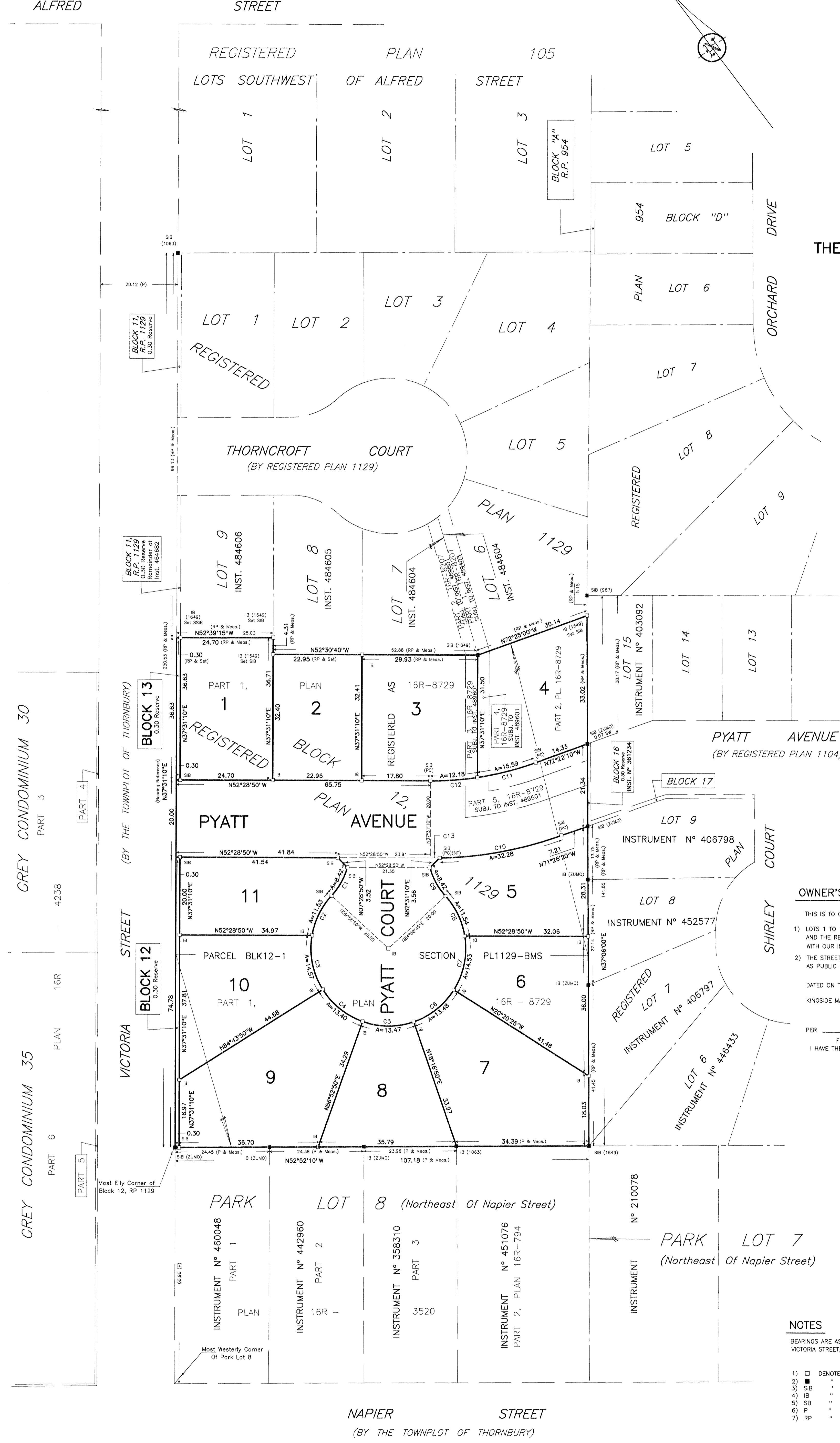


THIS FINAL PLAN OF SUBDIVISION IS APPROVED BY THE COUNTY OF GREY UNDER SECTION 51(58) OF THE PLANNING ACT, RSO 1990, AS AMENDED.

THIS 20 DAY OF December, 2005.

Janice McDonald
JANICE McDONALD - DIRECTOR OF PLANNING

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



OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:
1) LOTS 1 TO 11, BOTH INCLUSIVE, THE STREETS, NAMED PYATT AVENUE AND PYATT COURT, AND THE RESERVES, NAMED BLOCKS 12 AND 13 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2) THE STREETS ARE HEREBY DEDICATED TO THE TOWN OF THE BLUE MOUNTAINS AS PUBLIC HIGHWAY.

DATED ON THIS 9 DAY OF Dec, 2005.

KINGSIDE MANAGEMENT INCORPORATED

PER *Frank Bellotti*
FRANK BELLOTTI - PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C-1	18.00	8.42	8.35	N66°38'35"E
C-2	20.00	11.53	11.37	N63°32'05"E
C-3	20.00	14.57	14.25	N26°08'35"E
C-4	20.00	13.40	13.15	N13°55'30"W
C-5	20.00	23.00	13.47	N52°21'10"W
C-6	20.00	13.48	13.23	N88°58'15"E
C-7	20.00	14.53	14.22	N48°50'30"E
C-8	18.00	11.54	11.38	N11°30'05"E
C-9	18.00	8.42	8.35	N08°23'15"E
C-10	100.00	32.28	32.14	N63°07'25"W
C-11	80.00	15.59	15.57	N66°47'05"W
C-12	80.00	12.18	12.17	N66°50'25"W
C-13	100.00	2.44	2.44	N53°10'45"W

NOTES

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO PART OF THE SOUTHEASTERLY LIMIT OF VICTORIA STREET, HAVING A BEARING OF N37°31'00"E, AS SHOWN ON REGISTERED PLAN 1129.

- 1) □ DENOTES SURVEY MONUMENT SET
- 2) ■ " " SURVEY MONUMENT FOUND
- 3) SIB " " STANDARD IRON BAR (0.025 SQUARE)
- 4) IB " " IRON BAR (0.016 SQUARE)
- 5) SB " " SUBDIVISION BAR (0.012 SQUARE)
- 6) P " " DEPOSITED PLAN 16R-8039
- 7) RP " " REGISTERED PLAN 1129

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 5th DAY OF AUGUST, 2005.

NOVEMBER 23rd, 2005.
DATE *Martin Knisley*
MARTIN KNISLEY
ONTARIO LAND SURVEYOR

Martin W. Knisley
ONTARIO LAND SURVEYOR
P.O. BOX 48
Duntroon, Ontario.
PHONE (705) 444-6203

PROJECT N°
02-1166F
FOR
KINGSIDE MANAGEMENT
INCORPORATED

THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

By-law No. 2014 –

Being a By-law to accept and assume works in Registered Plan 16M-4

WHEREAS sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use;

AND WHEREAS all of the public works in Registered Plan 16M-4 have been constructed and installed in accordance with the subdivision agreement for this Plan;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-4 are hereby accepted and assumed.
2. Pyatt Avenue and Pyatt Court shown on Registered Plan 16M-4 are hereby assumed for public use.

Enacted and passed this day of , 2014

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Ellen Anderson, Mayor

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Corrina Giles, Clerk