

STAFF REPORT: ENGINEERING AND PUBLIC WORKS DEPARTMENT



REPORT TO: Infrastructure & Recreation Committee
MEETING DATE: March 8, 2011
REPORT NO.: EPW.11.022
SUBJECT: Assumption Bylaw for Hoffmann Street
 Part Lot 31, Concession 9
PREPARED BY: Mike Campbell – Construction
 Coordinator

A. Recommendation

THAT Council enact a By-law to approve full acceptance and establishment of the public works constructed and installed on lands in part Lot 31, Concession 9, as outlined in Report EPW.11.022 “Assumption Bylaw for Hoffmann Street, Part Lot 31, Concession 9”.

B. Background

J.S.O.D. Farms applied for a received Consent to Sever a parcel of land in part Lot 31, Concession 9, as Application B12/04. The severed parcel contained an existing truck depot and the retained parcel contained an existing self storage facility. Conditions of the Consent Decision required the deeding to the Town of a parcel of land from the adjoining parcel to the east to provide access and a turnaround to the truck depot and the execution of a Development Agreement detailing the terms and conditions under which a new public street would be constructed on the deeded lands.

The original parcel to be deeded to the Town is described as Part 2, 16R-6553 (Attachment 1). The Development Agreement required the further deeding of lands to complete a turn-around area to be centred on the northernmost lot line of Part 2, 16R-6553. These additional lands are described as Parts 3 and 4, 16R-8494 (Attachment 2) and Part 3, 16R-8511 (Attachment 3). Correspondence from Solicitor Paul Shaw dated March 1, 2005, confirms the Parts mentioned above were deeded to the Town and the Development Agreement was registered on title. An aerial photo with an overlay of the local streets (Attachment 4) is provided for reference.

For information purposes, Part 5 on 16R-8511 is related to operation of a telecommunications tower on the severed parcel containing the truck depot.

Staff have determined that the Developer has fulfilled its obligations under the Development Agreement completed as a Condition of Consent Decision B12/04. The previous Town Road Superintendent had inspected and accepted the works.

Securities for this project have been returned, there are no outstanding costs and it would be appropriate that the Town now establish the public highway section.

A draft By-law has been prepared to establish a public highway section and is attached hereto as Attachment 5. As the lands, which will become Hoffmann Street, were neither an Original Road Allowance nor land dedicated to the Town as a road through a Registered Plan, the land cannot be assumed as a road. Rather, the land must be established as a road. The works however can be assumed. Therefore, the By-law is drafted to assume all of the public works constructed and installed as well as to establish the land as public highway named Hoffmann Street.

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. Budget Impact

The Town will now become formally responsible for all maintenance on the subject public highway section, although maintenance has been ongoing for some time.

E. Attached

1. Excerpt, 16R-6553
2. Excerpt, 16R-8494
3. Excerpt, 16R-8511
4. Hoffmann Street Aerial Photo Overlay
5. Draft By-Law to establish a public highway known as Hoffmann Street.

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

PART
INSTRUMENT

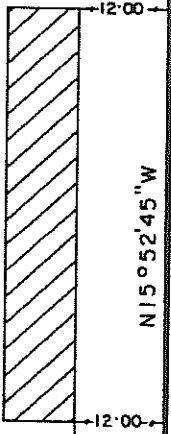
3

16R-3512
279495

PART 1
AREA = 3.459 ha

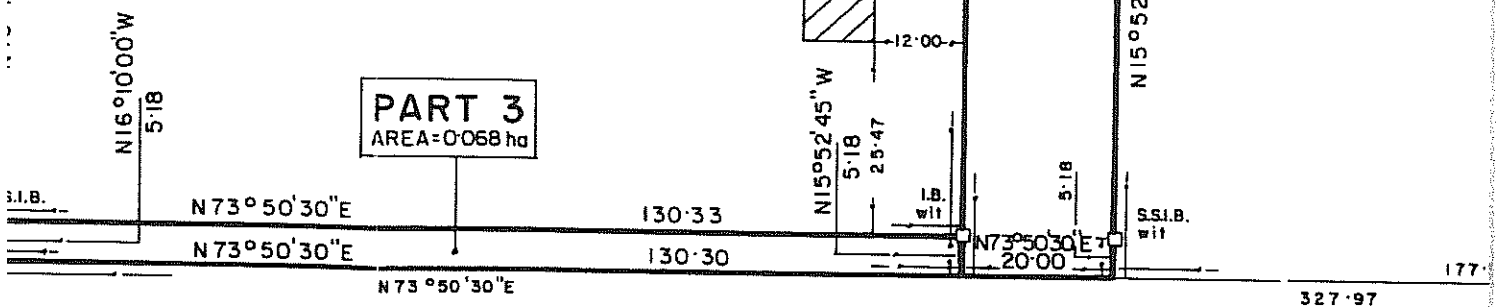
N74°07'15"E
20.00
I.B. I.B.

1 Storey
Steel-Clad
Building



PART 2
AREA = 0.250 ha

PART 3
AREA = 0.068 ha



COUNTY ROAD ALLOWANCE BETWEEN LOTS 30 AND 31

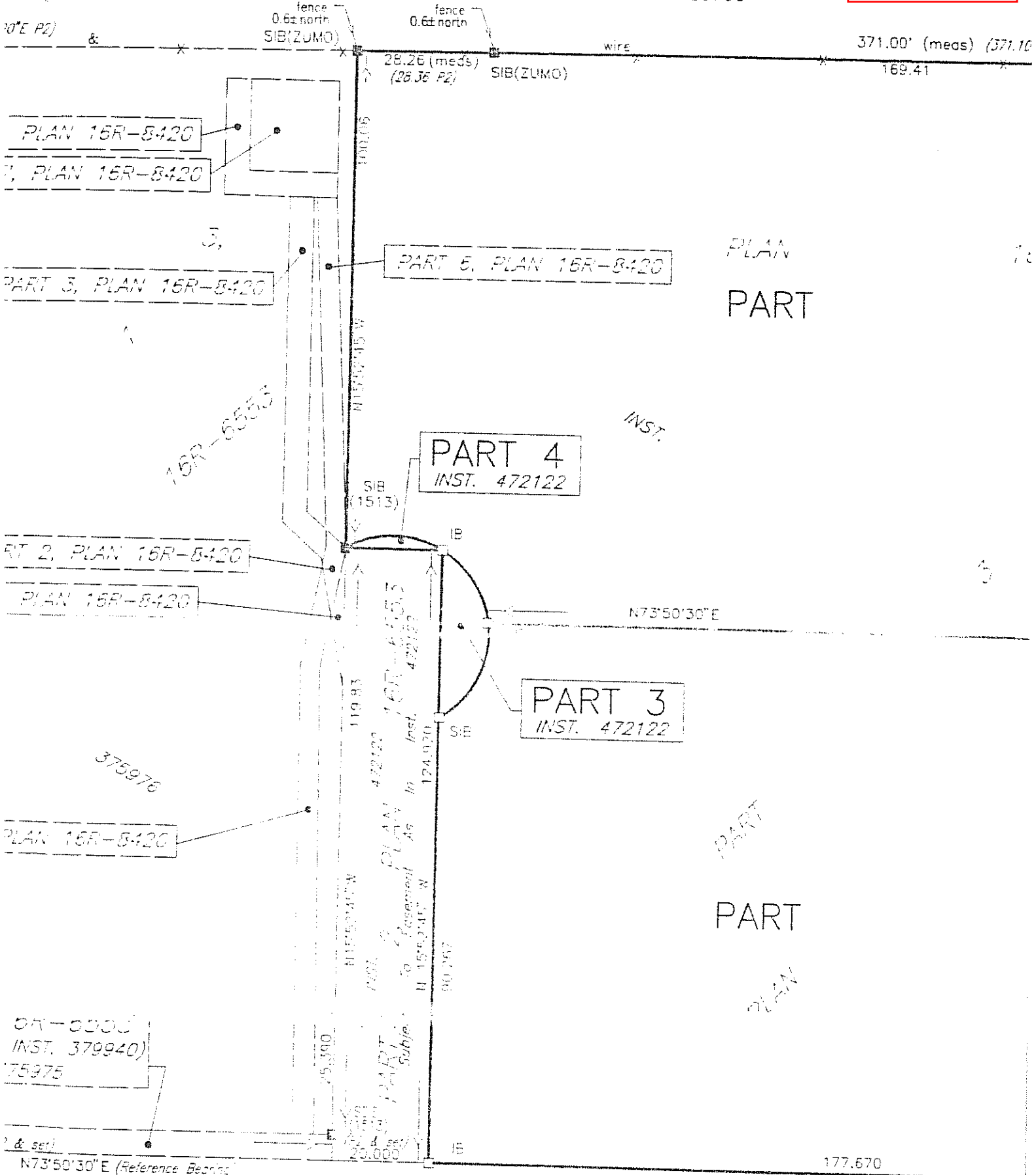
327.97
(16R-3512 & meas.)

177

INST.

126795

30°E P2)



AD No. 33

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 30

HOFFMANN STREET

New Street



Civic Addressing Range

LF - 100 LT - 126

RF - 101 RT - 125

**THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

By-law No. 2011 –

Being a By-law to establish a public highway known as Hoffmann Street

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 lands shown as Part 2 in Reference Plan 16R-6553, Parts 3 and 4 in Reference Plan 16R-8494 and Part 3 in Reference Plan 16R-8511, together known as Hoffmann Street, have been constructed and installed in accordance with a Development Agreement found registered on title as Instrument No. 0499323 for these Parts as a Condition of Consent Decision B12/2004;

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 Development Agreement found registered on title as Instrument No. 0499323 for lands shown as Part 2 in Reference Plan 16R-6553, Parts 3 and 4 in Reference Plan 8494 and Part 3 in Reference Plan 8511 are hereby accepted and assumed.
2. The lands described as Part 2 in Reference Plan 16R-6553, Parts 3 and 4 in Reference Plan 16R-8494 and Part 3 in Reference Plan 16R-8511 is hereby established as a public highway named Hoffmann Street for public use.

Enacted and passed this day of , 2011

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Ellen Anderson, Mayor

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Corrina Giles, Clerk