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**Date: 2020-07-08**

**From: Tyler Jahnke, Director of Operations**

**Subject Consideration of Early Road Assumption of Big Rock Road**

**Report No. OPS2020-030**

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### Recommendation

That report OPS2020-030, from Tyler Jahnke, Director of Operations, be received, and

That Council hereby directs the Director of Operations to investigate assumption of Big Rock Road, Alice Street, Spencer Avenue, Colin Drive and Francis Drive prior to the indicated two year period, further to section 1.6 of By-law 60-2016 and appended Site Plan Agreement, and

Further, that the Director of Operations shall report their findings to a future meeting of Council for final approval of assumption.

### Background

The Township entered into a site plan agreement with Michael Smart, James McKinnon and 1256585 Inc, on June 1, 2016 (By-Law No. 60-2016, Appendix 1). All of the Lots have been sold and many have been built on and/or under construction. All of the holding ('h2' designations) have been removed as per the agreement and deemed substantially completed, dated February 15, 2019.

As per the Agreement under section 1.6;

- 1.6. The Owners will maintain Big Rock Road, Alice Street, Spencer Avenue and the waterfront lot (SWIM) as set out herein within two years of the works being completed or less should the parties so agree. The Municipality will assume Big Rock Road, Alice Street, Spencer Avenue, Colin Drive and Francis Drive two years after work is complete as set out in f) above and in 6.2.2.1. The Owners will then transfer the waterfront lot with the SWIM works to the Municipality.

Appendix 2 is correspondence from the owners requesting early assumption.

## Analysis

Under Section 31 of the Ontario *Municipal Act, 2001*, land may only become a highway by virtue of a by-law establishing the highway, and not activities of the municipality or any other person in relation to the lands, including spending of public money, and further that the municipality is not responsible for maintenance until such time as the by-law has been passed assuming the roadways as “public highways”.

At this point in time, the developer has requested early assumption of the lands outlined in site plan agreement.

A review of the works was conducted by the Acting CAO/Director of Operations in conjunction with the developer’s engineer on February 15, 2019. All works appeared to be completed to the satisfaction of the Township and in accordance with the site plan agreement.

If Council gives direction for early assumption consideration, staff will complete a final review and bring back a report to council to assume roads.

## Financial Impact

The cost of staff’s time to consider early assumption is negligible as this task would need to be complete this year or on February 15, 2021.

## Strategic Priorities

2.2 Support increasing residential development.

(a) Expand existing servicing/utilities to prepare for new development.

## Conclusion

The developer has requested an early assumption of the road system as outlined as an option in the site plan agreement.

Staff supports this early assumption request as the majority of the roads where existing and small chance of settlement.

If council agrees to start the process of assumption, staff will complete a final walk through of the site and note any deficiencies to be repaired before assumption may continue.

## Supporting Documentation

Appendix 1 – By-Law No. 60-2016  
Appendix 2 – East Francis Lake Letter

Respectfully Submitted:

Reviewed by:

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Tyler Jahnke. C.Tech, rcji.  
Director of Operations

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Anne-Marie Shaw.  
Interm CAO