

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE



# BY-LAW

NO. 2011 - 068

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**BEING A BY-LAW TO ASSUME THE STREET KNOWN AS UPPER LORNE BEACH ROAD, PLAN 3M-216 AS A PUBLIC HIGHWAY AND TO REGULATE TRAFFIC ON THE SAID STREET**

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**WHEREAS** pursuant to the *Municipal Act, 2001*, Section 30(4)2, a municipality is obligated to maintain a public highway shown on a registered plan of subdivision until it has passed a by-law assuming the highway;

**AND WHEREAS** pursuant to the *Municipal Act, 2001*, Section 11 (3)1, the Municipality of Kincardine may pass by-laws respecting highways within its jurisdiction including regulating traffic on the highway;

**AND WHEREAS** pursuant to the *Municipal Act, 2001*, Section 35 provides that a Municipality may pass by-laws restricting the common law right of passage over a highway;

**AND WHEREAS** Registered Plan 3M-216 was registered on March 15, 2010;

**AND WHEREAS** Upper Lorne Beach Road, Plan 3M-216 was dedicated to The Corporation of the Municipality of Kincardine, as a public highway, by the owner;

**AND WHEREAS** Upper Lorne Beach Road, Plan 3M-216 is a highway within the jurisdiction of the Municipality of Kincardine;

**AND WHEREAS** the Municipality of Kincardine is satisfied that the said highway has been constructed to its satisfaction and is safe for use by the public;

**AND WHEREAS** it is desirous to establish regulations for the use of Upper Lorne Beach Road, Plan 3M-216;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Kincardine **ENACTS** as follows:

1. Upper Lorne Beach Road, Plan 3M-216 is hereby assumed as a public highway under the jurisdiction of the Municipality of Kincardine and shall be maintained from the general revenues of the Corporation.

## **RESTRICTED ACCESS**

2. The Upper Lorne Beach Road access control gate shall be located on the said road at a point more or less shown on Schedule "A" attached to this by-law being more particularly described as Part 6, Reference Plan 3R-3086.
3. The operation of the access control gate shall be at the discretion of the Municipal Public Works Department and subject to the direction of the council of the Municipality of Kincardine.
4. There shall be no through traffic permitted on Upper Lorne Beach Road, Plan 3M-216 from Victoria Street to the North of the access control gate.

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Road Dedication (Upper Lorne Beach Road) By-law  
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5. There shall be no through traffic permitted on Upper Lorne Beach Road, Plan 3M-216 from the Lakeshore area to the South of the access control gate.
6. All traffic encountering the access control gate shall be required to stop, turn around and exit in the reverse direction.
7. Notwithstanding the regulations contained in this by-law restricting the use of Upper Lorne Beach Road, Plan 3M-216, access through the control gate shall be permitted upon special request from Bruce Power to allow buses and/or emergency vehicles to transport essential staff to the Bruce Power Nuclear plant during weather related road closures.
8. The procedure to establish the opening of the access control gate to through traffic shall be determined by such policies as may be established by the Municipality of Kincardine from time to time.
9. That this by-law shall become effective upon its final passage by the Council of the Municipality of Kincardine and upon its registration in the Registry Office for the Registry division of Bruce (No. 3).
10. This by-law may be cited as the "Road Dedication (Upper Lorne Beach Road) By-law".

**READ a FIRST and SECOND TIME** this 20<sup>th</sup> day of April, 2011.

Anne Edie  
Deputy Mayor

Donna MacDougall  
~~Deputy~~ Clerk

**READ a THIRD TIME and FINALLY PASSED** this 20<sup>th</sup> day of April, 2011.

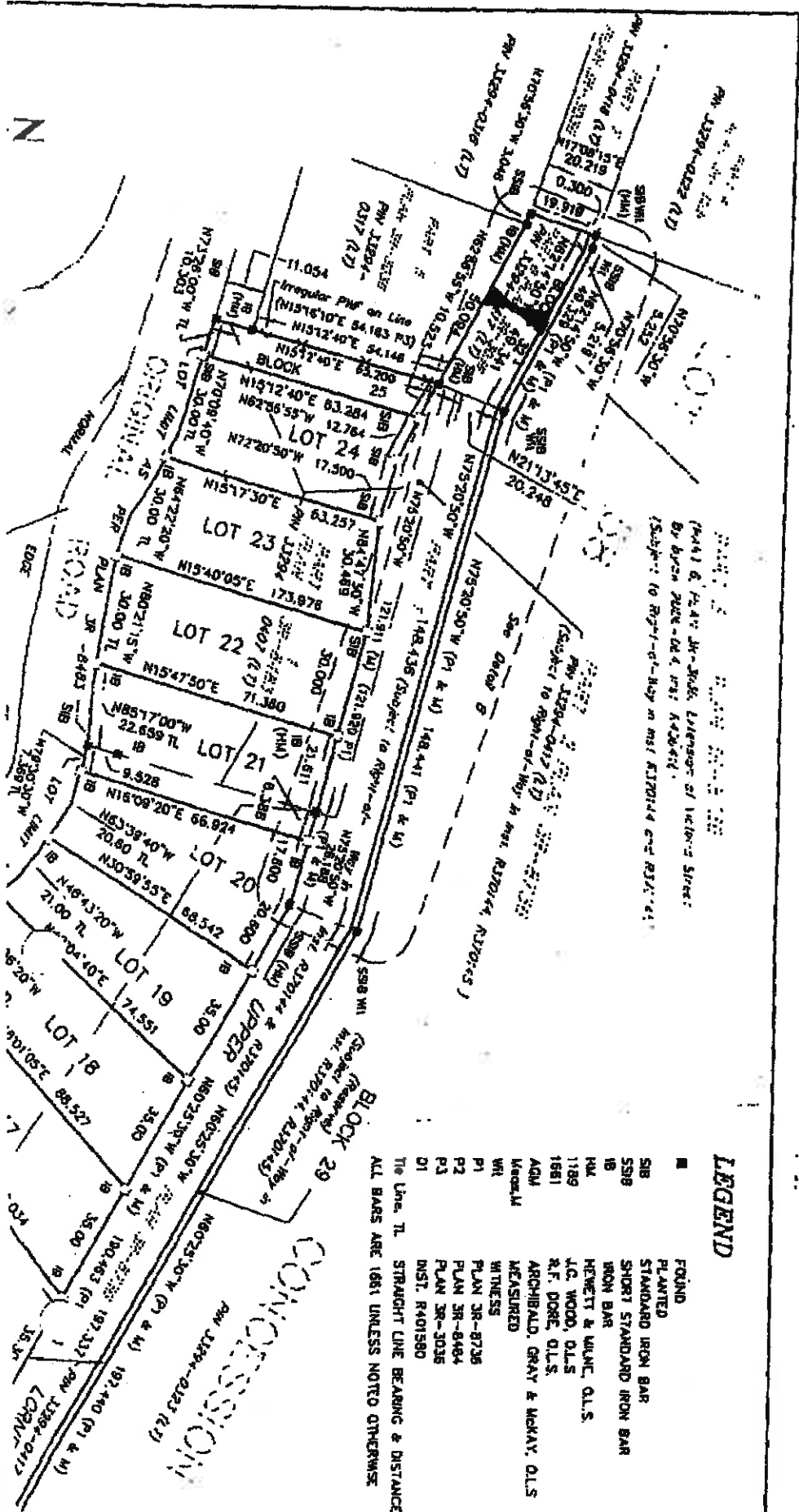
Anne Edie  
Deputy Mayor

Donna MacDougall  
Clerk



# Schedule 'A' to Bylaw No 2011-068

Location of Upper Lorne Beach access control gate, Plan 3M-216



## PLAN 3M-216

### CERTIFICATE OF REGISTRATION

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE OF THE LAND TILES DIVISION OF BRUCE (No 3) at 10:54 AM on the 15th of MARCH, 2010, AND ENTERED IN THE PUBLIC RECORDS OF

PLAN 32294-0407 (L1), 32294-0408 (L1), 32294-0409 (L1), 32294-0410 (L1), 32294-0411 (L1) AND 32294-0412 (L1)

AND THE RELEVANT COMMENTS ARE RECEIVED AS PLAN DOCUMENT BY BRUCE DEPUTY LAND REGISTRAR

THIS PLAN COMPREHENDS ALL OF THE LAND DESCRIBED IN PLAN 32294-0407 (L1), PLAN 32294-0408 (L1), PLAN 32294-0409 (L1), PLAN 32294-0410 (L1), PLAN 32294-0411 (L1) AND PLAN 32294-0412 (L1)

### PLAN OF SUBDIVISION

### OF PART OF LOTS 57 AND 58

### CONCESSION A

GEOGRAPHIC OF TOWNSHIP OF KINCARDINE

MUNICIPALITY OF KINCARDINE

COUNTY OF BRUCE

D. F. GOME SURVEYOR LTD.

SCALE: 1 : 1250

0 25 50 100 125 Metres

### OWNER'S CERTIFICATE (AS TO PLAN 32294-0407 (L1), 32294-0408 (L1), 32294-0409 (L1), 32294-0410 (L1) AND 32294-0411 (L1))

THIS IS TO CERTIFY THAT

- LOTS 1 TO 8, BOTH INCLUDING LOTS 1 TO 24, BOTH INCLUDING, PART OF LOTS 9 AND 10, BLOCKS 26, 28, 27 AND 29 AND PART OF THE STREET NAMED UPPER LORNE BEACH ROAD, HAVE BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUMENTS.
- UPPER LORNE BEACH ROAD IS DEDICATED TO THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE AS A PUBLIC HIGHWAY.

I HAVE THE AUTHORITY TO SIGN THIS CORPORATION  
 BRUCE DEVELOPMENTS INC.  
 DEPUTY LAND REGISTRAR

### OWNER'S CERTIFICATE (AS TO PLAN 32294-0412 (L1))

THIS IS TO CERTIFY THAT

- PART OF LOTS 9 AND 10 AND THE RESIDUES BEING BLOCKS 26, 28, 27 AND 29, AND PART OF THE STREET NAMED UPPER LORNE BEACH ROAD, HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR INSTRUMENTS.
- UPPER LORNE BEACH ROAD IS DEDICATED TO THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE AS A PUBLIC HIGHWAY.

### LEGEND

- FOUND
- ▬ PLANTED
- ▬ STANDARD IRON BAR
- ▬ SHORT STANDARD IRON BAR
- ▬ IRON BAR
- ▬ HEWETT & WILKIN, O.L.S.
- ▬ J.C. WOOD, O.L.S.
- ▬ R.F. DORE, O.L.S.
- ▬ ARCHIBALD, GRAY & MCKAY, O.L.S.
- ▬ MEASURED
- ▬ WITNESS
- ▬ PLAN 3R-8736
- ▬ P1
- ▬ PLAN 3R-8484
- ▬ P2
- ▬ PLAN 3R-3036
- ▬ P3
- ▬ INST. R401580
- ▬ D1
- ▬ The Line, TL. STRAIGHT LINE BEARING & DISTANCE
- ▬ ALL BARS ARE 1681 UNLESS NOTED OTHERWISE