

Staff Report to Council

Title: Road Dedication By-law –
Institute Road Extension

Report Number: Development Services-2024-
16

Director: Infrastructure &
Development

Manager: Development Services

Meeting Date:
Wednesday, June 12, 2024

Date to be considered by Council:
Wednesday, June 12, 2024

Recommendation:

That the Council of the Municipality of Kincardine pass a road dedication by-law for CEDAR LANE PL 485; KINCARDINE (PIN 33284-0143); and RED PINE ST PL 485 KINCARDINE (PIN 33284-0141);

And further that the lands described as CEDAR LANE PL 485; KINCARDINE be known as “Institute Road Extension”;

Whereas the lands described as RED PINE ST PL 485; KINCARDINE, is already known as “Institute Road”;

And further that the Mayor and Clerk be authorized to execute any documents on behalf of the Municipality.

Executive Summary:

As part of a minor variance application, it was identified that the property known as 39 Institute Road fronts onto unopened road allowance. However, upon consultation with Operations staff, it was determined the road known legally as Cedar Lane was being maintained as part of the municipal road network. Upon further investigation, it was discovered that Cedar Lane as well as a portion of Institute Road (originally known as Red Pine Street), were never assumed by by-law. Therefore, staff are recommending that a road dedication by-law be passed assuming both Cedar Lane and Institute Road as part of the municipal road network.

Strategic Priorities:

B.7-Ensure municipal facilities and owned lands make the best use of each asset

Financial Considerations:

As related fees as per the 2024 Rates and Fees by-law.

Policy:

Kincardine Zoning By-law 2003-25

Context and Background Information:

The property owner at 39 Institute Road has applied for a minor variance to request a reduced rear yard setback to allow for a building addition. Through this process it was identified that the property at 39 Institute Road fronts on to an unopened road allowance.

As per the zoning by-law Section 6.19 requires properties to have frontage on a Class 1, Class 2, or Private Street to have a building or structure be erected or altered.

The property owner indicated that the section of road known legally as Cedar Lane is currently maintained by the Municipality. Upon consultation with Operations Staff, it was confirmed that the road is maintained. Assuming the road known legally as Cedar Lane would not impact the existing road maintenance and would permit the minor variance application to proceed.

To assume the road as part of the municipal road network a by-law is required to be passed and registered on title. Further research in preparing this report identified that only a portion of Institute Road was assumed by by-law and registered on title in 1985. The portion of Institute Road south of Cedarwood Lane was never assumed by by-law.

A timeline of the roads within Plan 485 are outlined below:

- Subdivision PL 485 was registered in 1956.
- In 1960 Council passed a by-law under the Planning Act deeming certain plans, including PL 485 to no longer be lots for the purpose of the Planning Act. However some of these lots were legally sold and therefore remained separate lots.
- The lands located between Spruce Lane and Cedar Lane that had not sold were merged back to one piece of land.
- In 1985 Spruce Lane (known today as Cedarwood Lane) and a portion of Red Pine Street (north of Spruce Lane) on plan 485 was assumed by by-law (85-14) and registered on title.
- In 1994 Council passed by resolution a recommendation to authorize Bruce County Highways to complete 2km of Prime and Double Surface treatment on Concession 2 from Lots 30-35, and all streets on Plan 485 - Red Pine Street, Spruce Lane, and Cedar Lane.
- In 1994 the Municipal solicitor identified that the ownership of Red Pine Street was municipal however the southern section of Red Pine Street and Cedar Lane were not assumed by by-law, recognizing that spending public monies for the maintenance of the road would likely be considered an assumption of this portion of the street. The recommendation was made that if the township decided to proceed with assuming part of Red Pine Street as public highway council should pass a by-law to be registered on title.
- No further road assumption by-law was passed or registered on title.

- In 2005 Spruce Lane was renamed to Cedarwood Lane as part of an amendment to the 911 Road Renaming System By-law

Therefore, to clean up and formalize the assumption of the southern portion of Red Pine Street (known as Institute Road) and Cedar Lane (to be known as Institute Road Extension) council would need to pass a road assumption by-law, to include these roads as part of the municipal road network.

Consultation Overview:

Development Services staff consulted Operations staff to confirm the current maintenance of the section of road legally known as Cedar Lane.

Operations staff confirmed that in the tenure of Underwood Lead Hand this section of road has always been provided road maintenance, including winter clearing and grading as needed.

Based on the above noted research it appears the Municipality began maintaining the road in 1994 after the County surfaced it.

The County was consulted in the proposed name of Institute Road Extension for Cedar Lane and confirmed it is acceptable.

Origin:

The owner at 39 Institute Road has submitted a minor variance application with the County. The Municipal Zoning By-law maps indicate that the section of road allowance, legally known as Cedar Lane PL 485 is unopened.

Implementation Considerations:

Upon passing of a by-law the by-law will be registered on title.

Risk Analysis:

Currently a portion of Institute Road and Cedar Lane (to be known as Institute Road Extension) are maintained as part of the municipal road network. This by-law would clean up the requirement of the Municipal Act to assume a road by by-law. Once assumed the municipality would acquire liability to maintain the road in a good state of repair, however the municipality has already been maintaining the road since approximately 1994.

Attachments: Plan 485
Institute Road – Map

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