

Staff Report to Council

Title: Road Assumption and Road Naming By-law – Kaydan Drive Tiverton

Report Number: Development Services-2024-17

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 Parts 1 and 2 on 3R10512, which is part of PIN 33287-0283; and
That the lands described as Parts 1 and 2 on 3R10512 be known as “Kaydan Drive”; and
Further that the Mayor and Clerk be authorized to execute any documents and agreements on behalf of the Municipality.

Executive Summary:

As a provision of the Development Agreement for 2819359 Ontario Inc. (Church Street Townhouse) Parts 1 and 2 on 3R10512 are to be transfer to the Municipality of Kincardine for the purpose of a municipal road to be named Kaydan Drive. To complete this land transfer a by-law is required to dedicate the lands as open and maintained road allowance forming part of the municipal road network. The development has been issued Stage 3 Preliminary Acceptance. The obligations of the developer during the two-year maintenance period, required in the development agreement, would still be applicable until the development receives Final Acceptance. Assuming these lands as open and maintained road allowance would provide legal access to the Tiverton Cemetery lands from Kaydan Drive, creating the opportunity to further investigate these lands as surplus to the municipality.

Strategic Priorities:

A.2-Improve investment readiness

B.5-Evaluate and proactively plan for infrastructure to meet population growth and long-term sustainability

Financial Considerations:

Financial securities as per the Subdivision Agreement

Policy:

PD.1.2 Plans of Subdivision / Development

2819359 Ontario Inc. (Church Street Townhouse) Development Agreement By-law 2021-154

Context and Background Information:

On September 13th, 2021, the Municipality entered into a Development Agreement with 2819359 Ontario Inc. The development is reference plan 3R-10512. As per section 7.1 of the development agreement Parts 1 and 2 of Plan 3R-10512 are to be transferred to the Municipality for a municipal road to be named Kaydan Drive.

As per the subdivision agreement the Municipality has received correspondence from the Municipal Engineering that indicates the development can be issued Preliminary Acceptance of Stage 3 effective May 6, 2024, with a couple of outstanding deficiencies. Any deficiencies indicated before the end of the two-year maintenance period will be required to be repaired before the Municipal Engineer will sign off on issuing Final Acceptance of the Development.

Traditionally the road assumption by-law is brought forward after issuance of final acceptance of the development. However, the Tiverton Cemetery lands are located at the end of Kaydan Drive. These lands have been identified as potentially surplus lands to the municipality. To sever lands from the Tiverton Cemetery they would need to front on to an open municipal road. Therefore, staff feel it is beneficial to assume the road now to open the opportunity to explore the cemetery lands further as surplus lands. Upon consultation with the Municipal Engineer, we are confident that the developer is still bound by the development agreement to repair any deficiencies within the road prior to being issued final acceptance of the development.

The proposed by-law will assume the lands legally described as Parts 1 and 2 of Plan 3R-10512 as open and maintained municipal road allowance. And the land ownership will be transferred to the Municipality.

Consultation Overview:

Staff have consulted with the developers as well as the Municipal Engineer and confirmed that with Stage 3 Preliminary Acceptance the municipality is satisfied to assume Kaydan Drive.

The proposed road name Kaydan Drive was reviewed by the County for emergency services and had no objections.

Origin:

Development Agreement

Implementation Considerations:

Upon passing of this by-law the by-law will be registered on title and ownership of the lands described as Parts 1 and 2 of Plan 3R-10512 will be transferred to the Municipality. The Municipality will then take over responsibility for the road, including winter maintenance, street lighting etc.

Risk Analysis:

The development has been issued Stage 3 Preliminary Acceptance, effected May 3, 2024 with a couple minor deficiencies. The Municipal Engineer has confirmed that that the developer is still bound by the development agreement to repair any deficiencies within the road prior to being issued final acceptance of the development.

Attachments: 3R-10512

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