

Staff Report to Council

Title: Road Assumption – Lakefield Estates Phase II

Report Number: Development Services-2025-10

Director: Infrastructure & Development

Manager: Development Services

Meeting Date:
Wednesday, May 28, 2025

Date to be considered by Council:
Wednesday, May 28, 2025

Recommendation:

That the Council of the Municipality of Kincardine pass a Road Assumption By-law for Blocks 45, 47, 48, 49, 51, 53, 54, 55 on Plan 3M-226 along Mahood-Johnston Drive; and
Further that the Mayor and Clerk be authorized to execute any documents on behalf of the Municipality.

Executive Summary:

Lakefield Estates Phase II received final acceptance of the subdivision on November 5, 2020. The outstanding requirements for the subdivision were completed and final securities released in the Spring of 2025. Lakefield Drive and Mahood-Johnston Drive were dedicated to the Municipality as Public Highway upon the registration of Plan 3M-226. However, there are eight reserve blocks along Mahood-Johnston Drive that have not been dedicated as part of the Public Highway system. It is required that the Municipality pass a Road Assumption Bylaw to assume the Blocks along Mahood-Johnston Drive as an open and maintained roadway. Once passed, the blocks will form part of the Municipal Public Highway system. Staff have brought forward a Road Assumption by-law for consideration.

Strategic Priorities:

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

Financial Considerations:

The developer is responsible for the costs as per the Subdivision Agreement.

Policy:

By-law No. 2012-069 1582679 Ontario Inc. (Lakefield Estates Part II) Subdivision Agreement

Context and Background Information:

A Subdivision Agreement was entered into on June 13, 2012, with 1582679 Ontario Inc for Lakefield Estates Phase II, Plan 3M-226. The subdivision received final acceptance from the Municipal Engineer on November 5, 2020.

There were several minor items to be completed before the development could be deemed complete and securities released. These included tree planning and registration of easements. These items have now been completed, and final securities have been released.

As staff worked to finalize and close the file on this development it was determined that eight reserve blocks along Mahood-Johnston Drive were never assumed by by-law when final acceptance was granted. Staff are now bringing forward a by-law for consideration.

Consultation Overview:

The Municipal Engineer was consulted throughout the development and granted Final Acceptance in 2020. The Municipal Lawyer reviewed the draft by-law.

Origin:

Requirement of granting final acceptance of the Subdivision and providing legal access to properties on open and maintained roads.

Implementation Considerations:

The by-law will be registered on title.

Risk Analysis:

The Municipality is not obligated to maintain a public highway shown on a registered plan of subdivision until it has passed a by-law assuming the highway. The proposed by-law will assume the blocks forming part of Mahood-Johnston Drive as part of the Municipality's public highway system.

Attachments: Plan 3M-226 – Blocks indicated in Red

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