



Town of Niagara-on-the-Lake

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REPORT #: CDS-23-123

COMMITTEE DATE: 2023-06-13

DUE IN COUNCIL: 2023-06-27

REPORT TO: COTW-Planning

SUBJECT: 445 Line 2 Road Subdivision - File No. 26T-18-19-01
Municipal Assumption of Services

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Town assume the primary and secondary services installed within the 445 Line 2 Road Subdivision, File No. 26T-18-19-01, as defined in the Subdivision Agreement authorized by Town By-law 5222-20 (attached as **Appendix III** to this report); and
- 1.2 The draft Assumption By-law, attached as **Appendix I** to this report, be forwarded to Council for approval.

2. EXECUTIVE SUMMARY

- This report recommends to Council the municipal assumption of the primary and secondary services constructed within the 445 Line 2 Road Subdivision, known as Bradfield Estates Phase 2.
- The Owner has satisfied their obligations to construct services under the terms of the Subdivision Agreement with the Town.
- The required maintenance period for the services has passed.
- Staff recommend that Council approve an Assumption By-law for the subdivision to allow the Town to assume the services.

3. PURPOSE

This report responds to the request by the Owner (subdivision developer) that the municipality assumes the primary and secondary services constructed for the 445 Line 2 Road Subdivision. The required Assumption By-law for the subdivision is attached as **Appendix I** to this report.

4. BACKGROUND

The 445 Line 2 Road Subdivision was registered on June 22, 2020, as Plan 30M-460 (see attached **Appendix II**). The subdivision is located on the southwest corner of Line 2 Road and Pierpoint Drive within the Urban Area Boundary of Virgil. The plan contains two lots for single-detached dwellings on Line 2 Road and two lots for single-detached dwellings on Pierpoint Drive.

Council approved By-law 5222-20 on March 30, 2020 to authorize the Subdivision Agreement (attached as **Appendix III**) between the Developer and the Town. The Agreement sets out the obligations of the Developer and the Town for the construction, maintenance and assumption of the services.

As required by the Agreement, the Developer constructed services within the public road and on portions of lots within the Subdivision. Easements for services located along lot lines were established as Parts described on Reference Plan 30R-15631 (attached as **Appendix IV**).

5. DISCUSSION / ANALYSIS

The assumption by the Town of the services within the Subdivision is required as detailed in Sections 9 and 10 of the Subdivision Agreement upon fulfilment of the preconditions to assumption. Following the expiry of the required maintenance period and written request by the Owner/Developer, Town Staff issued a Final Certificate of Completion of Services which is attached as **Appendix V** to this report.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar(s)

2. Deliver Smart Balanced Growth

Objective(s)

1.2 Close the gap on capital investments

7. OPTIONS

Not applicable. The Owner has satisfied their obligations for servicing contained in the Subdivision Agreement with the Town.

8. FINANCIAL IMPLICATIONS

Upon assumption, the Town will be responsible for all future maintenance and replacement of municipal infrastructure within the subdivision. Such responsibilities include municipal roads, water, sanitary sewer, stormwater management, street cleaning, catch basin cleaning, hydrant and valve maintenance, sewer flushing, street lighting maintenance and winter control.

Assets will be recognized as Tangible Capital Assets within the Town's financial statements and depreciated per their useful lives on a straight-line basis. These assets will also be added to the Town's Asset Management Plan for long-term financial planning.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable.

10. COMMUNICATIONS

Town Staff will register the Assumption By-law on title and advise the Owner.

11. CONCLUSION

The Owner/Developer has completed all servicing requirements specified within the Subdivision Agreement with the Town. Staff recommend that Council approve the Assumption By-law, attached as **Appendix I** to this report.

12. PREVIOUS REPORTS

- CDS-19-034 - 445 Line 2 Road - Draft Plan of Subdivision & Zoning By-law Amendment (October 7, 2019 - COTW Planning)
- CDS-20-006 - 445 Line 2 Road - Subdivision Agreement (March 9, 2020 - COTW Planning)

13. APPENDICES

- **Appendix I** - By-law Authorizing Assumption of Municipal Services
- **Appendix II** - Registered Plan 30M-460 (445 Line 2 Road)
- **Appendix III** - Subdivision Agreement
- **Appendix IV** - Easement Plan 30R-15631
- **Appendix V** - Final Certificate of Completion of Services

Respectfully submitted:

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