



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-23-250 **COMMITTEE DATE:** 2023-12-05  
**REPORT TO:** COTW-Planning **DUE IN COUNCIL:** 2022-12-12  
**SUBJECT:** Village Phase 4 West Subdivision – File 26T-18-17-01  
Municipal Assumption of Services

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Town assumes the primary and secondary services installed within the Village Phase 4 West Subdivision (File No. 26T-18-17-01) as defined in the Subdivision Agreement registered on title to the lands through By-Law 5015-17 (attached as **Appendix III** to this report);
- 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 provides a recommendation to the Council with respect to the municipal assumption of the primary and secondary services constructed within the Village Phase 4 West Subdivision.
- 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 the Council approve an Assumption By-law for the subdivision to allow the Town to assume the services.

### 3. PURPOSE

This report responds to the Owner's (subdivision developer) request that the municipality assume the primary and secondary services constructed for the Village Phase 4 West Subdivision. The required Assumption By-law for the subdivision is attached as **Appendix I** to this report.

### 4. BACKGROUND

The Village Phase 4 West Subdivision was registered on February 6, 2018, as Plan 30M-444 (see attached **Appendix II**). The subdivision is located on the east side of Niven Road, north side of Perez Road and west side of Rampart Street within the Urban Area of Old Town. The plan contains 7 single-detached dwellings, a semi-detached dwelling and 14 townhouse dwellings on municipal roadways identified as Moseby Street, Perez Road and Rampart Street.

Council approved By-law 5015-17 on November 13, 2017, to authorize the execution of the Subdivision Agreement (**attached as Appendix III**) between the Owner and the Town. The Agreement sets out the obligations of the Owner and the Town for the construction, maintenance and assumption of works and services within the Subdivision.

## **5. DISCUSSION / ANALYSIS**

The assumption by the Town of the works within the Subdivision is required as detailed in Section 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 IV** to this report.

## **6. STRATEGIC PLAN**

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

### **Pillar**

1. Vibrant & Complete Community

### **Priority**

3.3 Infrastructure

### **Action**

3.1 a) Assets

## **7. OPTIONS**

Not applicable. The Owner has satisfied their obligations for services 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 to assist with long-term financial planning.

## **9. ENVIRONMENTAL IMPLICATIONS**

Not applicable.

## **10. COMMUNICATIONS**

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

## **11. CONCLUSION**

The Owner/Developer has completed all servicing requirements specified in the Subdivision Agreement with the Town. Staff recommend that the Council approve the Assumption By-law.

**12. PREVIOUS REPORTS**

- **CDS-17-058** - (August 31, 2017) File No. 26T-18-17-01 - The Village, Phase 4 West
- **CDS-18-064** - (October 05, 2018) File No. PT-02-2018 - The Village Phase 4 West - Application for Part Lot Control Exemption

**13. APPENDICES**

- **Appendix I** - By-law Authorizing Assumption of Municipal Services
- **Appendix II** - Registered Plan 30M-444 (The Village Phase 4 West)
- **Appendix III** - Subdivision Agreement
- **Appendix IV** – Final Certificate of Completion of Services

Respectfully submitted:

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