



Town of Niagara-on-the-Lake

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REPORT #: CDS-25-184 **COMMITTEE DATE:** 2025-12-02
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2025-12-09
SUBJECT: Vintages at Four Mile Creek Subdivision - File No. 26T-18-16-05 - Municipal Assumption of Services

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Town assume the primary, secondary and tertiary services installed within the Vintages at Four Mile Creek Subdivision, File No. 26T-18-16-05, as defined in the Subdivision Agreement authorized by Town By-law 5083-18 (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, secondary and tertiary services constructed within the Vintages at Four Mile Creek 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 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 assume the primary, secondary and tertiary services constructed for the Vintages at Four Mile Creek Subdivision. The required Assumption By-law for the subdivision is attached as **Appendix I** to this report.

4. BACKGROUND

The Vintages at Four Mile Creek Subdivision was registered on November 8, 2018, as Plan 30M-447 (see attached **Appendix II**). The subject lands are located within the St. Davids Urban Boundary and are bounded by Four Mile Creek Road and Line 9 Road. The Draft Plan facilitated the construction of the 18 residential lots for single-detached dwellings.

Council approved By-Law No. 5083-18 on August 28, 2018, 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 Primary, Secondary and Tertiary works and services within the Vintages at Four Mile Creek Subdivision. Primary services include the installation of core infrastructure such as roads, asphalt paving, water service, sanitary sewers, and stormwater management systems. Secondary services consist of landscaping, grading, sodding, street lighting, and street signage with the municipal right of way. Tertiary services include the construction of sidewalks along the east side of Millpond Road.

5. DISCUSSION / ANALYSIS

The assumption by the Town of the services within the Subdivision is required as detailed in Sections 9, 10 and 11 of the Subdivision Agreement upon fulfilment of the preconditions to assumption. Following the expiry of the required maintenance period and a 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

3. Enrich Community Assets, Environment, & Infrastructure

Priority

3.3 Infrastructure

Action

3.1 a) Assets

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 infrastructure and 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, attached as **Appendix I** to this report.

12. PREVIOUS REPORTS

- CDS-18-044 (August 13, 2018) Vintages at Four Mile Creek Subdivision Agreement, File 26T-18-16-05

13. APPENDICES

- **Appendix I** – By-law Authorizing Assumption of Municipal Services
- **Appendix II** – Registered Plan 30M-447 (Vintages at Four Mile Creek)
- **Appendix III** – Subdivision Agreement (November 8, 2011)
- **Appendix IV** – Final Certificate of Completion of Services

Respectfully submitted:

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