THE CORPORATION OF THE TOWN OF GRAVENHURST

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<th>To:</th>
<th>Committee of the Whole</th>
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<td>From:</td>
<td>Andrew Stacey, Director of Infrastructure</td>
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<tr>
<td>Date:</td>
<td>March 20, 2018</td>
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<td>Subject:</td>
<td>Assumption of Road Allowances Plan of Subdivision M-415 Report No. INF 2018-06</td>
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RECOMMENDATIONS

The Director of Infrastructure recommends:

**THAT** Report No. INF 2018-06 re: Assumption of Road Allowances Plan of Subdivision M-415 be received for information.

PURPOSE

The purpose of this Report is to seek approval for the municipal assumption of the road allowances as laid out within Registered Plan of Subdivision M-415, legally described as being Part of Lot 26, Concession 5, and Part of Mill Street Registered Plan 14 and Part of lots A and B Registered Plan 10 within the Town of Gravenhurst, District of Muskoka.

BACKGROUND

The aforementioned Plan of Subdivision was originally registered under Section 28 of the Planning Act in July 1963 and is more commonly referred to today as Wapaska Crescent. Currently there is approximately 353 linear metres of constructed road within the subdivision that is a mixture of both municipally and privately maintained. Along the upper north east boundary an unopened road allowance exists which houses District of Muskoka owned infrastructure for the purpose of water distribution along with providing a common land access point for a number of residential properties having frontage onto Lake Muskoka.

ANALYSIS

Currently there is no municipal sanitary sewer collection system available within the area; therefore all of the properties are currently serviced with privately owned septic systems. As a result of the general topography of the area specifically with the presence of underlying rock a few of these septic systems encroach onto the unopened road allowance located along the upper northern boundary. While these encroachments do not impact the Town from a land use
perspective, it would be appropriate to legally delineate these encroachments and dispose of the encumbered portions so that they can be merged on title with the benefiting landowners. Administration was prepared to move ahead in this fashion via Planning Council, however came to realize that the Town never actually assumed the road allowances therefore confirming the Town did not possess the authority to close any portion of the unopened road allowance.

CONSULTATION

The following individuals / community groups were consulted:
- Director of Development Services
- Planning Technician
- Stuart and Cruickshank
- Landowners abutting 185,191,305 Wapaska Crescent
- Sandi D. Allan, Broker and Planning Consultant

CORPORATE FINANCIAL IMPACT

There is no financial impact associated with the assumption of the road allowances within Plan of Subdivision M-415.

COMMUNICATIONS

This Report will be posted on the Town web-site as part of the March Committee of the Whole Agenda. No further public messaging is warranted.

FUTURE CONSULTATIONS

Following establishment of a municipal by-law for the assumption of the road allowances within Plan of Subdivision M-415, Administration will be bringing a subsequent Report to Planning Council recommending disposal of the encumbered portions of road allowance for Councils consideration.

CONCLUSIONS

Administration concludes that despite the fifty five (55) year old Registered Plan of Subdivision Plan M-415 having municipally maintained road sections the Town has never formally assumed the road allowances by means of a by-law, which prevents Administration from dealing land issues specifically tied into the existing unopened road allowance at the northern boundary. Formal assumption or acceptance of the road allowance by by-law will rectify this
obstacle and provide the necessary evidence that the Town does possess the authority to deal specifically with land encroachment issues as they present themselves.

RELATION TO STRATEGIC PLAN

This Report does not directly advance or support the Town of Gravenhurst Strategic Plan.

RELATION TO OTHER MUNICIPAL REPORTS, PLANS OR APPLICABLE LEGISLATION

This Report related to other municipal reports, plans or applicable legislation including:

1. Highway Traffic Act
2. Planning Act
3. Municipal Act

ATTACHMENTS - nil

RESPECTFULLY SUBMITTED BY:

Author: Andrew Stacey, Director of Infrastructure
Approved by: Val Sequeira, Director of Corporate Service / Treasurer