



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 13, 2016

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**FROM:** Legal Department

**DATE:** May 6, 2016

**SUBJECT:** Release of Temporary Turning Circle Easement HR730990 – Part of Block 49, Plan 20M-1052, Part 16, Plan 20R-18132 – Bronte Creek Community Limited

**LOCATION:** Elder Lane - South of Dundas Street and West of Bronte Road

**WARD:** 4

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**RECOMMENDATION:**

That a Transfer Release and Abandonment of Easement HR730990 be executed in accordance with By-law 2013-057.

**KEY FACTS:**

The following are key points for consideration with respect to this report:

- Under the terms of the Subdivision Agreement for Plan 20M-1052 (Bronte Creek Community Limited), the Town acquired an easement over part of Block 49, Plan 20M-1052, designated as Part 16 on Plan 20R-18132, to create a temporary turning circle at the end of Elder Lane, Plan 20M-1052, which easement was registered on January 27, 2009 as Instrument No. HR730990.
- The easement contains a provision that the Town will release and abandon the easement at such time as there are constructed, established, vested in the Town and assumed by the Town such public highways which continue the street pattern in the vicinity of the easement lands so as to render unnecessary the use of the easement lands for a turning circle.
- Elder Lane now continues through Plan 20M-1170 to Natasha Circle. The 0.3 m. reserve between those parts of Elder Lane on Plans 20M-1052 and 20M-1170 (Block 58, Plan 20M-1052) was lifted by by-law 2016-017.
- Although Elder Lane on Plan 20M-1170 and that part of Elder Lane on Plan 20M-1052 abutting the easement lands have not yet been assumed, the new owner of Block 49 (Mattamy Homes) has requested that the Town release the turning circle easement in order that construction can proceed on Block 49.

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**BACKGROUND:**

Under the terms of the Subdivision Agreement for Plan 20M-1052 (Bronte Creek Community Limited), the Town acquired an easement over part of Block 49, Plan 20M-1052, designated as Part 16 on Plan 20R-18132, to create a temporary turning circle at the end of Elder Lane, Plan 20M-1052, which easement was registered on January 27, 2009 as Instrument No. HR730990. The easement contains a provision that the Town will release and abandon the easement at such time as there are constructed, established, vested in the Town and assumed by the Town such public highways which continue the street pattern in the vicinity of the easement lands so as to render unnecessary the use of the easement lands for a turning circle. Elder Lane now continues through Plan 20M-1170 to Natasha Circle. The 0.3 m. reserve between those parts of Elder Lane on Plans 20M-1052 and 20M-1170 (Block 58, Plan 20M-1052) was lifted by by-law 2016-017. Although Elder Lane on Plan 20M-1170 and that part of Elder Lane on Plan 20M-1052 abutting the easement lands have not yet been assumed, the new owner of Block 49 (Mattamy Homes) has requested that the Town release the turning circle easement in order that construction can proceed on Block 49.

**COMMENT/OPTIONS:**

The Development Engineering Department has no objection to the release of Easement HR730990. The Legal Department does not consider there to be any exposure to the Town in releasing this easement. A partial copy of Plan 20R-18132, which shows the location of the easement lands, is attached hereto as Appendix A.

**CONSIDERATIONS:****(A) PUBLIC**

The release of this easement will remove a superfluous registration from the owner's title.

**(B) FINANCIAL**

There are no financial considerations in releasing this easement.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

There is no impact on other departments and users.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable in everything we do

**(E) COMMUNITY SUSTAINABILITY**

This issue impacts the economic aspect of the community.

**PLANNING AND DEVELOPMENT COUNCIL MEETING**

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Part 16, Plan 20R-18132 – Bronte Creek Community Limited**

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**APPENDICES:**

Appendix A – Plan 20R-18132

Prepared by:  
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Submitted by:  
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Town Solicitor