



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 6, 2020

FROM: Legal Department

DATE: June 24, 2020

SUBJECT: **By-law 2020-071 - A by-law to dedicate certain land as part of a public highway - (Part 2, Plan 20R-21374 - Owlsnest Way, Part 3, Plan 20R-21374 - Saw Whet Boulevard, Part 4, Plan 20R-21374 - Edward Leaver Trail, Part 5, Plan 20R-21374 - Charles Cornwall Avenue)**

LOCATION: Bronte Green Subdivision - South of Upper Middle Road, East of Bronte Road

WARD: 4

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RECOMMENDATION:

That By-law 2020-071 - A by-law to dedicate certain land as part of a public highway (Part 2, Plan 20R-21374 – Owlsnest Way, Part 3, Plan 20R-21374 – Saw Whet Boulevard, Part 4, Plan 20R-21374 – Edward Leaver Trail, Part 5, Plan 20R-21374 – Charles Cornwall Avenue) be passed.

KEY FACTS:

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

- In connection with the Bronte Green subdivision (Plan 20M-1223), the Town acquired certain lands designated as Parts 2, 3, 4 and 5 on Plan 20R-21374, being part of the Hydro corridor between the two parts of Plan 20M-1223 and along Upper Middle Road, in order to provide connected road access between the two parts of the plan and from the plan lands to Upper Middle Road.
- The subject parcels of land were conveyed directly to the Town of Oakville from Hydro One and hence were not part of the subdivision plan (20M-1223). In order to declare these roads as public highway, a bylaw deeming them as such is required. Lands deemed public highway are then subject to the many bylaws (e.g. Use of Roads) and Acts (e.g. Highway Traffic Act) which govern use and operation.

BACKGROUND:

In connection with the Bronte Green subdivision (Plan 20M-1223), the Town acquired certain lands designated as Parts 2, 3, 4 and 5 on Plan 20R-21374, being

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part of the Hydro corridor between the two parts of Plan 20M-1223 and along Upper Middle Road, in order to provide connected road access between the two parts of the plan and from the plan lands to Upper Middle Road.

The subject parcels of land were conveyed directly to the Town of Oakville from Hydro One and hence were not part of the subdivision plan (20M-1223). In order to declare these roads as public highway, a bylaw deeming them as such is required. Lands deemed public highway are then subject to the many bylaws (e.g. Use of Roads) and Acts (e.g. Highway Traffic Act) which govern use and operation. It is appropriate and necessary for the function of these lands and for the operation of the lands they support, to have these land parcels deemed public highway.

COMMENT/OPTIONS:

The Development Engineering and Engineering and Construction departments have no objection to the passing of By-law 2020-071 dedicating Parts 2, 3, 4 and 5 on Plan 20R-21374 as parts of the respective public highways. The Legal Department does not consider there to be any exposure to the Town in passing this by-law.

CONSIDERATIONS:

The by-law to this report is attached as Appendix E.

(A) PUBLIC

The dedication of these lands will provide connected road access to the lands in Plan 20M-1223.

(B) FINANCIAL

There are no financial considerations in dedicating these lands other than ongoing maintenance of the roadway.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Town will maintain the roadway segments in conjunction with the road segments that abut them and form continuous roadway.

(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 addresses the economic sustainability of the community.

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APPENDICES:

Appendix A – Part of Plan 20M-1223 showing Part 2 on Plan 20R-21374

Appendix B – Part of Plan 20R-1223 showing Part 3 on Plan 20R-21374

Appendix C – Part of Plan 20M-1223 showing Part 4 on Plan 20R-21374

Appendix D – Part of Plan 20M-1223 showing Part 5 on Plan 20R-321374

Appendix E – By-law 2020-071

Prepared by:

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Submitted by:

Douglas Carr

Town Solicitor