

CORPORATE POLICIES AND PROCEDURES MANUAL

Policy Title:	Assumption of Unmaintained Municipal Roads and Private Roadways	Policy No:	
Section:		Resolution:	
Policy Lead:	Director of Public Works & Engineering	Effective Date:	
Application:		Last Review Date:	N/A
Approved by:	Council	Previous Resolution:	N/A

Policy Statement and Rationale

This policy establishes guidelines and minimum standards for unmaintained municipal roads and private roads within the Municipality of East Ferris required for assumption consideration.

The goal of this policy is:

- a) To ensure adherence to the relevant Official Plan policies;
- b) To avoid passing any new development/infrastructure costs to ratepayers of the municipality;
- c) To ensure that proponents upgrading existing private roads or unassumed roads to municipal roads abide by a minimum municipal standard; and
- d) To control the means by which the Municipality may assume unmaintained municipal roads and private roads to provide fairness and consistency.

Scope

The Municipality of East Ferris shall only consider through this policy the assumption of existing unassumed municipal roads or existing private roads. The policy may also consider roads within an existing plan of subdivision that were not previously assumed by the Municipality. The policy shall not be used to consider the assumption of new roads where assumption is governed by the Subdivision Agreement. If the Subdivision Agreement has been frustrated so that assumption can no longer be affected through that agreement, this policy may apply. The policy shall not be used to consider the assumption of roadways subject to a Plan of Condominium.

Definitions

- a) "Council" shall mean the municipal Council of The Corporation of the Municipality of East Ferris.
- b) "Director" shall mean either the Director of Public Works and Engineering or their designate.
- c) "Municipality" shall mean the Corporation of the Municipality of East Ferris.
- d) "Municipal Roads" shall mean roads and highways in municipal ownership and that have been assumed by the municipality for year-round maintenance by the municipality.
- e) "Private Roads" shall mean roads and lanes in private ownership that have not been assumed by the municipality which provide access by means of a

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registered right-of-way to private property and the use and maintenance of which is the responsibility of the abutting landowners.

- f) “Proponents” shall mean developers, residents, or ratepayers or other associations who are requesting the municipality assume for maintenance purposes an existing private road or unassumed road so that it becomes a municipal road.
- g) “Unassumed Road” shall mean roads that are owned by the municipality that are not maintained on a year-round basis.

Policy

When submitting a proposal to the Municipality, all documentation and information must satisfy Council that the assumption of the road is in the public interest, and that the proponent acknowledges and accepts that any and all costs associated with such assumption are to be borne by the proponent, and the following procedures applied.

Criteria for Assumption

Without being necessarily limited to the following, the following criteria should be considered in determining if it is in the public interest to assume unassumed roads or private roads:

- a) Does the road serve, or will it serve, five (5) or more separate and distinct private parcels of land which are being used, or are capable of being used for the purposes permitted within that zone, on a year-round basis?
- b) Does the road provide access to a municipal-maintained boat launch, beach or other facility or attraction promoted by the Municipality for public use and tourism?
- c) Would the assumption of the road over-extend existing municipal road maintenance programs, operations, and resources?
- d) Was the road constructed to the standards as stated herein, thus avoiding costly future upgrades and/or repair costs to the Municipality?
- e) Will the assumption of the road promote further desired development?
- f) Would further development require the road to be extended?
- g) Would further development on the road over-extend existing municipal services?
- h) Would the road facilitate the safe and efficient movement of goods and people?
- i) For unassumed roads, at least two-thirds of all property owners representing at least

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one-half (50%) of the value of the lots who will receive direct benefit from the assumption of the road agree to the undertaking of the study and the assumption of the unassumed road by the Municipality. For private roads, 100% of all property owners must agree to the undertaking of the study and the assumption of the private road by the Municipality.

- j) All property owners required to give up ownership of legal title to the road and to land required for road widenings or turnarounds have consented to the Municipality's acquisition of their lands.
- k) Has the Conservation Authority or the Ministry of Natural Resources and Forestry, whichever has jurisdiction, been notified and are regulations followed where there could be any interference with wetlands or any alterations to shorelines and watercourses?
- l) Where applicable, does the Ministry of Transportation support the proposed assumption by the Municipality?
- m) The proposal conforms to the land use policies of the relevant Official Plan and Zoning By-law if lot creation would occur as a result of the assumption process.
- n) There is a reference plan prepared by an Ontario Land Surveyor documenting the lands affected by the proposed assumption.
- o) The proponent has provided original deeds and certification of title for the lands in question, prepared by the proponent's solicitor.
- p) The Municipality has received a legal opinion on the ownership status of the subject road and a risk assessment of assuming or not assuming the road.

Proponent Responsibilities

- a) The cost and associated process of bringing the road up to municipal standard will be the responsibility of the proponents. Options will be provided to the proponents for immediate payment or the option to pay over a period of time as permitted under O. Reg 586/06 Local Improvement Charges – Priority Lien Status.
- b) Where the proposed right-of-way has a deficient width, all benefitting owners will be required to provide the necessary right-of-way and road widening to the Municipality free and clear of all encumbrances and at no cost to the Municipality of East Ferris.
- c) Where the proposed right-of-way dead-ends and a turnaround is thus required, title to the land required for the turnaround must be transferred to the Municipality at no cost to the Municipality.
- d) Prior to the commencement of an engineering study, the proponent shall submit to the

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Municipality a refundable deposit of one thousand dollars (\$1,000.00 CAD). The Director of Public Works/ Municipal Engineer or their designate will provide the proponent with an estimate and additional deposit may be required prior to proceeding. This deposit will be used to cover the engineering review costs and the amount may be increased as needed if the review is more complex. Any amount of the deposit not needed to cover the independent review will be returned to the Proponent.

Staff Responsibilities

- a) Upon receipt of a petition requesting assumption of a roadway, municipal staff will verify the sufficiency of the petition i.e. petitions not supported by two-thirds of the property owners adjacent to the roadway will not be considered, petitions not supported by all owners giving up title rights will not be considered, and assumption of portions of a road less than 500 meters will not be considered unless the road links existing maintained municipal roads.
- b) Municipal staff will prepare a Council Report and if Council agrees “in principle” with the possible assumption of the road then the works will proceed following confirmation of financing methodology.
- c) Prior to assuming the road, the Municipality shall request an independent review of the subject road, at the Proponent’s expense. This review will include a report on the as-built condition of the existing road by a professional engineer and a cost-benefit analysis to determine the operational costs of maintaining the road and the impact on municipal resources. In addition, the consultant will prepare, as part of the engineering report, an estimate of all costs relating to the construction or reconstruction of the unassumed road to the standards as stated herein. The cost of the independent engineering review and cost-benefit analysis will be borne by the Proponents.
- d) Year-round road service will not be provided on private roads until Council passes a by-law to formally assume the road and until the subject road is upgraded to the road standards as detailed in Appendix “A” to this policy.
- e) If assumption of a privately-owned road is requested, and where acquisition by the Municipality will result in severance(s), the Director of Community Services will be invited to comment to the Committee of Adjustment that convenes to consider the acquisition and assumption. The Planning Department will consider the implications of the road assumption to ensure that any natural severances conform to the Official Plan policies and Zoning By-law regulations.

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- g) Any formal requests and petitions for road assumption received after August 31st will not be considered until the following year to avoid unreasonable demands on the Municipality's winter control operations.
- h) The assumption of roads may be implemented through a Development Agreement to the satisfaction of the Director of Public Works and Engineering. The Agreement will include the approved drawings, cost estimates, and securities for the proposed road works.

Municipal Road Standards

Appendix "A" to this policy provide specifics for the Minimum Road Construction Standards that must be met prior to the assumption of any unmaintained municipal road or private road.

Road improvement and work necessary to bring a road up to the standards listed in Appendix "A" may include property acquisition for road allowance widening and/or turnarounds, tree removal, road base and/or surface improvement, drainage improvement, horizontal and vertical alignment improvements, removal of encroachments and signage installation.

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Appendix “A”

Road Standards for Adoption of Rural Roads

<u>Design Criteria</u>	<u>Minimum Standard</u>
Right of Way Width	20.0
Design Speed	60 km/hr
Posted Speed	40 km/hr
Horizontal Radius	60.0m*
Maximum Grade	8.00%
Minimum Grade	0.5%
Kcrest	18
Ksag	15
Min Stopping Sight Dist	85.0 m
Min Number of Lanes	2
Lane Width	3.35 m
Shoulder Width	1.0 m
Platform Widening	OPSD 209.010, OPSD 200.010, OPSS 206
Horizontal Clearance	3.0 m
Vertical Clearance	5.25 m
Turn Arounds	OPSD 500.01 or equivalent
Granular Surface	150 mm Granular ‘A’
Granular Base	400 mm Granular ‘B’
Surface Type (ADT < 400 vpd)	Gravel
Surface Type (ADT > 400 vpd)	60mm Superpave 12.5 PGAC 58-34
Compaction OPSS.MUNI 501	
Signage	As specified in the Ontario Traffic Manual
Drainage	Ditches to be 300mm below granular base and outletting to and adequate receiving watercourse
Streetlights	At main intersection

Notes:

- 1 Deviations from the minimum standard may be approved by the Director of Public Works and Engineer where the minimum standards cannot be achieved. The deviation must not result in any significant loss of safety or increased maintenance costs to the municipality.
- 2 The standards detailed above apply only to the assumption of private roads or roads

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constructed on unopened road allowances and are not the standards applicable to new construction after the date of the adoption of the standard by Municipal Council.

Definitions

Kcrest – Road design factor for a vertical curve which when viewed from the side is convex upwards. ie. A hill

Ksag – Road design factor for a vertical curve which when viewed from the side is concave upwards. ie. A valley

ADT – Average Daily Traffic

Vpd – vehicles per day