

Corporation of the Township of Tudor and Cashel

By-Law 2012-17

BEING a By-Law to establish a policy regarding the Assumption of Non-Assumed Roads into the Road system for the Township of Tudor and Cashel.

WHEREAS, the *Municipal Act, R.S.O. 2001* permits the Council to pass by-laws for acquiring, establishing or assuming a highway.

NOW THEREFORE, the Council of the Corporation of the Township of Tudor and Cashel enacts as follows:

1. That the policy regarding the assumption of non-assumed roads into the Township of Tudor and Cashel road system as shown on Schedule "A" attached hereto shall form part of this By-Law.

Passed on this 26th day of October 2012.

REEVE: WANDA DONALDSON

CLERK: BERNICE CROCKER

SEAL

Schedule "A" to By-Law No. 2012-17

Non-assumed Road Assumption Policy

For

The Corporation of the Township of Tudor and Cashel

For the purposes of this policy the following words shall have the respective definitions:

Assumption: The process by which a municipality passes a by-law to accept a road into the municipal road system.

Corporation: The Corporation of the Township of Tudor and Cashel

Council: The Council of the Corporation of the Township of Tudor and Cashel

Non-Assumed Road: An existing road or road to be constructed that was or will be constructed and maintained by a person or group or persons without any responsibility or obligation to construct or maintain same by the Corporation of the Township of Tudor and Cashel.

Proponent: A person or group of persons or an agent representing same, that is applying to the Council for the Corporation of the Township of Tudor and Cashel to have a road assumed into the Township of Tudor and Cashel road system.

Private Road: An existing road or a road to be constructed that was or will be constructed and maintained by a person or group or persons without any responsibility or obligation to construct or maintain same by the Corporation of the Township of Tudor and Cashel.

Forced, Trespass or Given Road: A publicly used road that crosses private property and to which the municipality does not have legal title to the soil and freehold. (Russell on Roads, Pg 93 & 94) Note: Implied dedication by the owner + implied acceptance by the Municipality = Municipal ownership.

Unless it is clearly in the public interest and for the general benefit of the Corporation as determined By Council, it is not intended that private roads will be assumed by the Corporation and no responsibility for access, snow clearance, maintenance, repair, liability or other obligation is acknowledged for such non-assumed road.

Council shall review each proposal to determine if the assumption of that road would best serve the Corporation and the residents therein.

Criteria for Council

Without being necessarily limited to the following, Council shall consider the following criteria in determining if it is in the public interest to assume the private road:

- 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?
- Would the assumption of the road over-extend existing municipal roads maintenance programs or operations?
- Was the road constructed to the standards as stated herein, thus avoiding costly future repairs?
- Will the assumption of the road promote further desired development?
- Would further development require the road to be extended?
- Would further development on this road over-extend existing municipal services?
- Would the road facilitate the safe and efficient movement of goods and people?
- The Council must be satisfied that not less than 80% of all property owners who will receive direct benefit from the assumption of the road agree to the undertaking of the study and the assumption of the private road by the Corporation.
- The Council must be satisfied that Conservation Authorities have been notified and regulations are followed where there could be any interference with wetlands or any alterations to shorelines and watercourses.
- Is there a travelled road plan or survey in the Corporations' possession provided by the Developer or proponent?

Verification for Council

When submitting a proposal to the Corporation, all documentation and information must satisfy Council that the assumption of the non-assumed road is 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.

- Council shall review the proposal, and if it is deemed necessary, Council shall engage a consultant to prepare an engineering study and storm drainage plan, which shall identify all the requirements necessary for the assumption of the road by the Corporation.

- The proponent shall submit to the Corporation **prior to the commencement** of an engineering study or storm drainage plan, in cash or other form, an irrevocable deposit in the amount of not less than seven hundred fifty dollars (\$750.00) in Canadian funds. This amount may be increased at the discretion of Council.
- The consultant shall, as part of the engineering report, prepare an estimate of all costs relating to the construction or reconstruction of the non-assumed road to the standards as stated herein.

Minimum Standard of Road Construction for New Roads

The following represents the minimum standard of road construction for the assumption of a private road by the Corporation. Acceptance of modified standards to the following shall be at the sole discretion of Council and shall be so reflected in the development agreement as described herein.

- Minimum cleared width – 20 meters (66 feet)
- Road surface minimum width: 6.0 meters (20 feet) plus a minimum shoulder width of 1.0 meters (3.3 feet) on each side resulting in an overall width of 8.0 meters (26.0 feet)
- Unless otherwise advised by Council, all topsoil, tree stumps and other vegetation shall be removed from the area directly beneath the proposed road and shoulder surface.
- Sub-grade base: Up to the established standard
- Granular sub-base: Minimum of 150 mm (6.0 inches) in depth, more as required.
- Granular “A” or “M” grade crushed gravel surface coarse: Minimum of 150mm. (6.0 inches) in depth.
- Ditch depth below profile grade (crown) of road: 0.6 meters (24.0 inches) minimum, or deeper to drain sub grade, and all ditches to be constructed to permit drainage to an outlet sufficient to handle water runoff.
- Culverts – minimum 450 mm. (16 to 18 inches) in diameter at all entrances, larger as required at drainage courses.
- Turn around required at all dead end roads. Minimum radius required: 9 meter (30.0 feet) road surface, plus 1.0 meter (3.3 feet) shoulder. Right-of-way to be not less than 30 meters (100.0 feet) at turn around.
- Geometrics – 12% maximum grade where possible. Horizontal curves to be flat as possible.
- On roads serving fewer than 50 vehicles per day, the gravel surface course as described herein shall satisfy the surface requirements.
- Road to be located as near as possible to centre of right-of –way.
- All road materials to be compacted prior to the next stage of construction.
- An Engineer’s Report with Stamp is required prior to the Corporation’s assumption of any non-assumed road.

Development Agreement

Prior to the commencement of any construction or reconstruction the Corporation and the proponent shall enter into a development agreement, which will address all matters pertaining to the road assumption, financial and otherwise.

The development agreement in addition to addressing the technical and financial aspects of the road assumption shall require:

- The proponent to survey and convey to the Corporation free and clear of all encumbrances, title to the land on which the road to be assumed is located, and the said lands shall be not less than 20 meters (66 feet) in width, except in situations where a lesser width is approved by the Minister of Municipal Affairs, and together with any easements necessary for drainage and utilities.
- In the event the proponent fails to proceed with the required construction or reconstruction as identified herein, there shall exist no obligation on the part of the Corporation: to continue with any construction or reconstruction as required, to reimburse the proponent for any costs that he or she has incurred with the proposal, or to assume the road or any part thereof into the municipal road system, until such time as all construction or reconstruction as required is completed to the standards as identified herein.

All Imperial Measurements as stated herein are submitted for the ease of conversion for the reader. In all cases, Metric measurements shall be considered true measurements to prescribe the applicable standard.