



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

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Author's Phone: 519 736-5408 ext. 2134	Date to Council: November 25, 2024
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Repeal and Replace 2016-93, a By-law to Dedicate a Reserve on Annie Avenue, Part 3, 12R-26778, as a Public Highway

1. RECOMMENDATION:

It is recommended that:

1. The dedication of Part 3 on 12R-26778 (reserve on Annie Avenue) as a Public Highway **BE APPROVED**; and,
2. **By-law 2024-087** being a by-law repeal and replace 2016-93 to dedicate Part 3 on 12R-26778 as a Public Highway be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

By-law 2016-93, to dedicate Part 3 on 12R-26778 as a public highway, was approved by Council on November 14, 2016 and registered on December 9, 2016. By-law 2024-80 was approved by Council on October 28, 2024 to dedicate Part 4 on 12R26788 on October 28, 2024. When the Town Solicitor attempted to register By-law 2024-80 the information at the Land Registry Office revealed that the registration of By-law 2016-93 in 2016 was done incorrectly. The Town Solicitor's office has advised that By-law 2016-93 is required to be repealed and replaced by a new by-law dedicating Part 3, 12R26788 as a public highway. Therefore By-law 2024-087 is being presented for Council's consideration. The draft by-law is attached. The Municipal Act, R.S.O. 2001, c.25 Sections 24-68 authorizes the Council of every municipality to pass a By-law for establishing, laying out, acquiring, assuming, or naming a highway.

3. DISCUSSION:

On November 24, 2015 the Committee of Adjustment approved a severance for lot creation for one new building lot on Annie Avenue. To facilitate legal access and frontage for this newly created lot on November 14, 2016 Council approved the execution of a road dedication by-law for Part 3, 12R-26778. An error occurred in this registration and is now required to be repealed and replaced. Both the original road dedication by-law and the proposed new road dedication by-law are attached. Part 3 is required to be correctly dedicated as a public highway to ensure legal access over these lands as part of the municipal right-of way.

4. RISK ANALYSIS:

The recommendations in this report represent a typical level of risk associated with municipal liability for public services. Maintenance and repair of municipal infrastructure will continue to be the responsibility of the Town of Amherstburg.

5. FINANCIAL MATTERS:

The reserve forms part of the Annie Avenue asset that the Town is responsible for. This includes future operational, maintenance and replacement costs over the lifetime of the road. Administration will ensure that the Town's TCA inventory reflects the subject property as part of the road infrastructure under both the TCA inventory and Asset Management Plan.

6. CONSULTATIONS:

The Infrastructure Services department was consulted and confirmed that it is appropriate to dedicate this portion of the right-of-way as a public highway.

7. CORPORATE STRATEGIC ALIGNMENT:

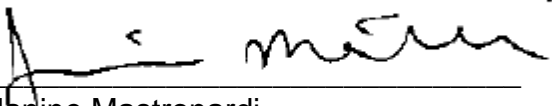
Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
PILLAR 1 Deliver Trusted & Accountable Local Government	PILLAR 3 Encourage Local Economic Prosperity
<input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.	<input type="checkbox"/> Encourage development of commercial and industrial lands.

<ul style="list-style-type: none"> <input type="checkbox"/> Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. ✓ Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<ul style="list-style-type: none"> <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> ✓ Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town's future and identity. <input type="checkbox"/> Promote and plan for green and "climate change ready" development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town's historic sites and heritage. <input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

The Municipal Act, R.S.O. 2001, c 25 Sections 24-68 provides specific municipal powers regarding highways. It is appropriate to dedicate this Part as a public highway at this time.



 Janine Mastronardi
Planner

Report Approval Details

Document Title:	Repeal and Replace 2016-93 a By-law to Dedicate a Reserve on Annie Avenue.docx
Attachments:	- 2024 11 25 - Repeal and Replace 2016-93- Road Dedication of Reserve on Annie Ave- ATTACHMENTS-RM.pdf
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox