



## Staff Report

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**Report To:** Council Meeting

**From:** Bryan Pearce, Planner

**Date:** 2021-08-19

**Subject:** Dedication and Establishment of Public Highways – Portions of Finney, Frederic and Anne Streets, West Lorne (Planning Report 2021-24)

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### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce, Planner, regarding Dedication and Establishment of Public Highways – Portions of Finney, Frederic and Anne Streets, West Lorne (Planning Report 2021-24);

And That West Elgin Council approve the dedication and establishment of public highways for the following Property Identification Numbers:

1. Finney St, Plan 75, Aldborough North of Gilbert Street, s/t The Interest of the Municipality; Elgin, being PIN 35113-0551;
2. Finney St, Plan 75, Aldborough between Hughes Street and Gilbert St, s/t The Interest of the Municipality; Elgin, being PIN 35113-0548;
3. Finney St, Plan 75, Aldborough South of Hughes Street, s/t The Interest of the Municipality; Elgin, being PIN 35113-0546;
4. Hughes Street, Plan 75, Aldborough except E172041, s/t The Interest of the Municipality; Elgin, being PIN 35113-0547; and
5. Anne St, Plan 75, Aldborough East of Finney Street, s/t The Interest of the Municipality; Elgin, being PIN 35113-0549.

And Further that West Elgin Council consider the by-law to dedicate and establish the above-noted streets, as public highways, as presented in the by-law portion of the August 19, 2021 Council Agenda.

### **Purpose:**

The purpose of this report is for Council to consider dedicating and establishing portions of Finney, Frederic and Anne Streets as public highways, in order to recognize how the said street have been utilized for an extended period of time.

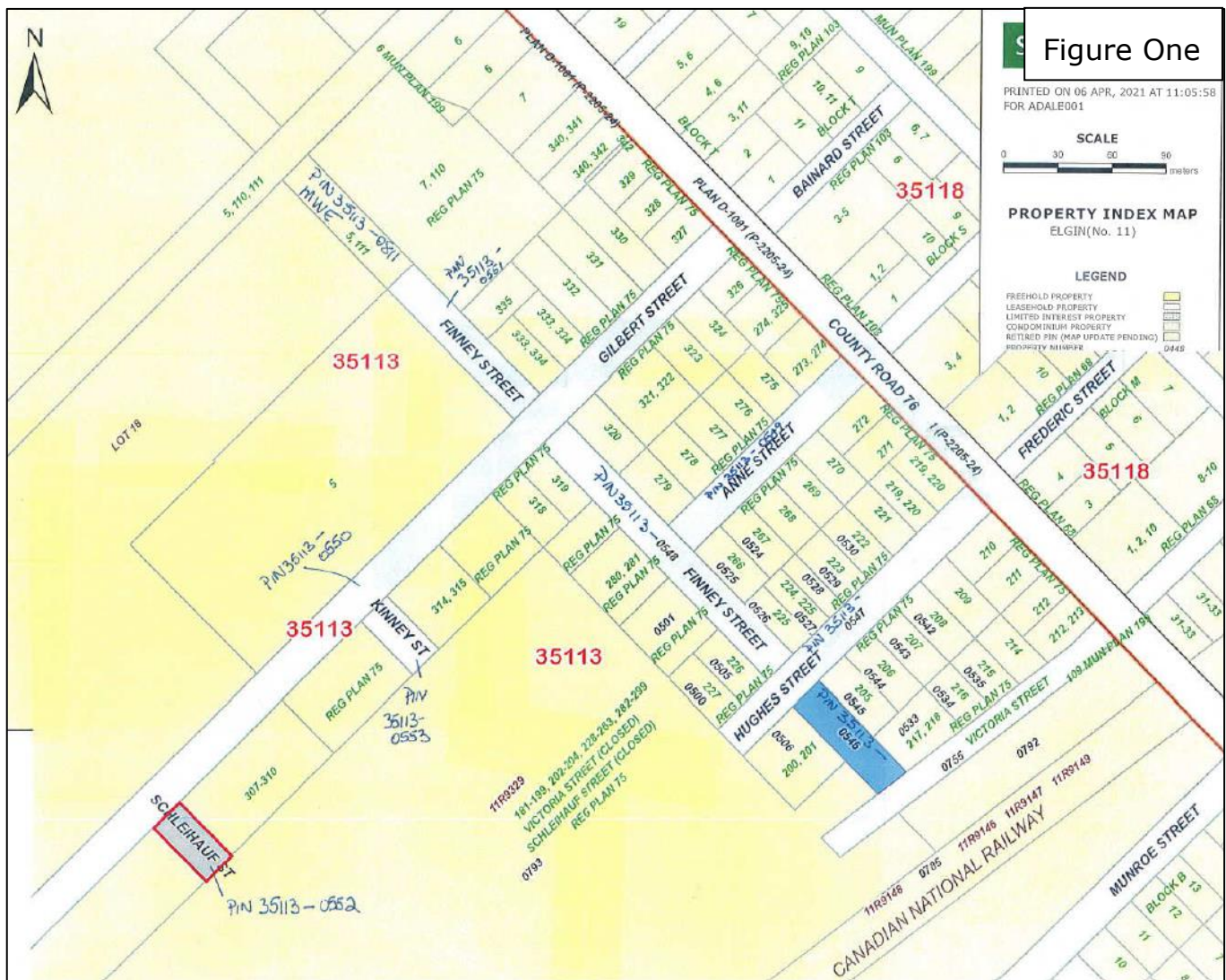
### **Background:**

Through some due diligence processes, it has come to Municipal Administration's attention that some streets in West Lorne in Plan 75, were not dedicated to the Municipality, rather of a shared-interest; and secondly, were not established as a public highway through the typical plan registration process.

Municipal Administration have been working with Municipal Legal Counsel to review, analyze and resolve this matter through the second quarter of 2021.

Section 31 of the Municipal Act gives the ability for Municipality's to dedicate and establish public highways through by-law, as an alternative form to lands that would be out of a plan of subdivision registration process through the Planning Act.

As Council is aware, Finney, Frederic (formerly called Hughes) and Anne Streets have been utilized as a public street for a long period of time. The associated property identification numbers are depicted below in Figure One for additional context.



By Council enacting a By-law, this will provide properties to have public street frontage formally on title, when the By-law gets registered in the Land Registry Office; and would allow for development in accordance with Section 4.8 provisions of the Municipality of West Elgin Zoning By-law 2015-36, as amended, through typical planning and building approval processes.

It is acknowledged that Municipal Administration, through Legal Counsel, are aware of other streets within Plan 75 having similar issues and will report to Council in due course with solutions to resolve the matter.

**Financial Implications:**

Costs associated with time spent by Municipal Administration and Legal Counsel.

**Policies/Legislation:**

Municipal Act  
Planning Act

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin

**Report Approval Details**

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|----------------------|--|
| Document Title:      | Dedication and Establishment of Highway - Finney, Frederic and Anne St, West Lorne - 2021-24-Planning.docx |
| Attachments:         |  |
| Final Approval Date: | Aug 16, 2021   |

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

Jana Nethercott