



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date:	Monday, November 04, 2024
To:	Mayor Mills and Members of Council
From:	Steve Wever, Town Planner
Report:	P2024-14
Subject:	By-law 44-2024 – Establish Public Highway – Gordon Street

Recommendation

Be it resolved that Council receive Report P2024-14 as information.

Be it resolved that, By-law 44-2024 being a by-law to establish and name lands as apart of a public highway, be read a first, second, and third time and finally passed.

Background

As part of the residential development of the land located at the north-west corner of Gordon Street and Main Street West (Highway 89) it was identified that a portion of Gordon Street has not been previously established as a public highway by by-law. By designating Gordon Street as a public highway, this will eliminate the need for easements to be dedicated in favour of utilities as public highways are shared utility corridors.

Analysis

During the planning and design for utility installations for the new homes to be constructed along the west side of Gordon Street north of Main Street West (Highway 89), it was discovered that a portion of the Gordon Street right-of-way had not been previously established as a public highway. This is done by passage of a by-law to establish the land as a public highway. If municipally-owned land is not designated as a public highway, access to the land for utility

installations (gas, hydro, telecommunications, etc.) may require the dedication of easements in favour of the utility providers.

To avoid the need for easements for the utility installations required for the new homes along the west side of Gordon Street, and to properly recognize Gordon Street as an open public road, the purpose of By-law 44-2024 is to establish the applicable lands as a public highway. The applicable lands include approximately 0.08 hectare of land located between Main Street West and Economist Lane where the right-of-way has an irregular width between 20.5 metres at the south end to 12.9 metres at the north end.

Financial Impact

None.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

Review of the status of the applicable lands and confirmation of the need for this By-law to establish the land as a public highway has been determined in consultation with the Director of Development and Operations, the Director of Legislative Services/Clerk and the Town’s legal counsel. A representative from Enbridge Gas was also consulted to confirm the location additional gas services to be installed within this area. Public notification of the by-law is not required.

Council Strategic Priorities

Council’s Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals. This report aligns with the Sustainable Goals within the Target:

SP2: Invest in critical infrastructure and services for the future.

Supporting Documentation

By-law 44-2024 and map showing applicable lands.

Prepared by:

Reviewed by:

Steve Wever, MCIP, RPP, Town Planner

Denyse Morrissey, CAO

MAP:



THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW #44-2024

Being a By-law to establish a highway

WHEREAS Section 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws to establish highways;

AND WHEREAS the Council of The Corporation of the Town of Shelburne deems it necessary and expedient to establish a highway on the lands described herein;

NOW THEREFORE the Council of The Corporation of the Town of Shelburne enacts as follows:

1. Definitions

In this by-law:

- "Highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

2. Establishment of Highway

The lands described in Schedule "A" attached hereto and forming part of this by-law are hereby established as a highway.

3. Effective Date

This by-law shall come into force and take effect on the date of its passing.

BY-LAW READ A FIRST, SECOND and THIRD TIME in Open Council, and enacted this 4th day of November 2024.

MAYOR

CLERK

Schedule "A"

PT LT 1 CON 3 OS MELANCTHON PTS 3 & 4, 7R4589; MELANCTHON

PT LT 14, BLK 2, PL 5A, AS IN MF19697 ; SHELBURNE

PT LT 1 CON 3 OS MELANCTHON SRO, AS IN MF19696 EXCEPT MF19698;
MELANCTHON

These lands shall form part of Gordon Street