



# The Corporation of the Municipality of Arran-Elderslie

## Staff Report

Council Meeting Date: September 25, 2023

Subject: SRW.23.23 Assume Lands into Municipal Road System - Sideroad 15 South, Elderslie

Report from: Scott McLeod, Public Works Manager

Appendices: APPENDIX A: Bylaw to Assume Lands into Municipal Road System  
APPENDIX B: Bylaw to Permanently Close a Portion of a Highway

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### **Recommendation**

Be It Resolved that Council hereby,

1. Declares that the lands, according to Plan 3R-10501, legally described as PART 1 AND 2 OF LOT 15, CONCESSION 9 AND 10, in the geographic Township of Elderslie, in the Municipality of Arran-Elderslie, are hereby established as a public highway and assumed into the Municipal Road System of the Corporation of the Municipality of Arran-Elderslie;
2. That the lands described above shall be known as Sideroad 15, South, Elderslie;
3. The lands, according to Plan 3R-10501, legally described as the ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 10, in the geographic Township of Elderslie, are hereby declared as permanently closed and removed from the Municipal Road System;
4. Approve the bylaw to assume the above-described lands into the Municipal Road System; and
5. Approve the bylaw to permanently close the above-mentioned lands and remove the lands from the Municipal Road System.

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## **Report Summary**

The intent of this report is to assume the newly constructed section of Sideroad 15 South, Elderslie into the municipal road network.

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## **Background**

In the Spring of 2023, Council awarded the contract for the subgrade construction of the new section of Sideroad 15, Elderslie, to MacDonnell Excavating Ltd. The new roadway replaces the existing Young Bridges located on Sideroad 15 South, in the geographic Township of Elderslie that have reached the end of their expected life.

Both MacDonnell Excavating Ltd. and municipal staff have worked together to complete the construction of the new roadway which has been completed on schedule.

The final step in the project is to assume the lands on which the newly aligned roadway was built into the municipal road system which must be completed by the passing of a bylaw.

The old portion of the Sideroad 15 South, Elderslie is required to be closed permanently in accordance with the terms of the Land Transfer Agreement and closed by-law.

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## **Analysis**

Section 26 of the Municipal Act, 2001, as amended, defines a highway as:

### **26. What constitutes highway**

The following are highways unless they have been closed:

1. All highways that existed on December 31, 2002.
2. All highways established by by-law of a municipality on or after January 1, 2003.
3. All highways transferred to a municipality under the Public Transportation and Highway Improvement Act.
4. All road allowances made by the Crown surveyors that are located in municipalities.
5. All road allowances, highways, streets and lanes shown on a registered plan of subdivision. 2001, c. 25, s. 26.

Section 34 of the Municipal Act, 2001, as amended, states:

### **34. Highway closing procedures**

**34** (1) A by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office. 2006, c. 32, Sched. A, s. 18.

In accordance with the above, Staff recommend that the necessary bylaws be approved to assume the new portion of Sideroad 15 South, Elderslie and permanently close the old portion which encompassed the Young Bridges.

The project engineers have recommended that the curve in the roadway be posted at a reduced speed of 40 km/h to ensure public safety when travelling the roadway.

A temporary speed reduction to 60 km/h is also recommended on Concession 10, Elderslie upon the approaches of the intersection due to the height of the hill. There are plans for construction to take place in 2024 to reduce the height of the hill and increase the sightlines which will allow for the speed limit to be returned to 80 km/h on Concession 10, Elderslie.

All the speed signage will be yellow warning signs and the passing of a by-law is only required when posting white regulatory speed limit signs at a rate of speed different from the Highway Traffic Act legislation.

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## **Link to Strategic/Master Plan**

6.1 Protecting Infrastructure, Recreation and Natural Assets

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## **Financial Impacts/Source of Funding/Link to Procurement Policy**

The approved 2023 Capital Budget includes \$730,000 for project #21-TRAN-0002 ROADS 15 Sideroad Roadway of which \$465,300 is a carry forward from the previous year funded by reserves and \$264,700 is a 2023 budget increase funded by Ontario Community Infrastructure Fund (OCIF).

The finalized numbers for the Sideroad 15 Roadway Construction have not been completed at the time of this report however, it is anticipated that the project has been completed below budget.

Prior to the opening of the road, signage will be placed in accordance with the engineer's recommendations. The estimated cost of the signs, posts and hardware is approximately \$3,500.00.

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Approved by: Sylvia Kirkwood, Chief Administrative Officer