

Private Roads/Dedication of Public Roads Policy



Section	Date	Resolution Number	Page	Of
Development Services	October 24, 2005	22	1	3
Subsection	Repeals By-Law Number		Policy Number	
Private Roads/Dedication of Public Roads Policy			DS-3-1	

Background

The City of Kenora has an extensive urban and rural road network. There are a wide range of road related issues in the City in terms of land tenure and ownership. These issues arise from a roads system consisting of a mix of older urban road allowances dating back to the turn of the century, and a rural road system that has simply evolved from the early years of the rural area as a farming community.

The road network is currently a patchwork of ownership, with surveyed and dedicated road allowances the norm for the former Towns of Keewatin and Kenora, while Jaffray Melick is predominantly characterized by a system of municipal roads without surveyed road allowances.

Despite the uneven ownership patterns of the municipal roadways in the City, the majority of the roadways are maintained by the municipality. This policy will provide guidance in how the City will manage securing future road allowances where none presently exist, as well as handling requests for the City to take over the ownership and maintenance of private roads.

Definition of a Private Road

A private road is any road that is not dedicated as a road within a plan of subdivision, and not assumed by the City of Kenora either through the operation of the Municipal Act, or expressed assumption by by-law.

Transfer of Private Roads to the Municipality

The City of Kenora shall generally discourage the transfer of private roads to the City road network. The City is under no obligation to take over any

Private Roads/Dedication of Public Roads Policy

Policy Number	Page	Of
DS-3-1	2	3

private road, and will only do so if it is in the best interests of the municipality. Each request for transfer of a private road will be examined on an individual basis.

The key criteria for assessing the merits of transferring a private road include, but are not limited to the following criteria:

- (i) estimated annual cost of road maintenance
- (ii) estimated assessment of properties located along the private road
- (iii) support of affected property owners
- (iv) future growth and development potential of area
- (v) any other factor of significant municipal interest.

In order for the City to consider taking over the ownership and maintenance of a private road, a formal request must be made, in writing, setting out the reasons for the proposed transfer of the private road. A transfer of a private road will not be considered by the City, unless the following criteria are met:

- (i) the road meets the appropriate (urban or rural) standard for a City road, as set out in current City policy for road standards, by the City Engineer;
- (ii) there are a minimum of five (5) individual property owners along the road, or an appropriate level of assessment to offset ongoing annual maintenance costs;
- (iii) a minimum twenty (20) metre road allowance, or wider if deemed necessary by the Municipal Engineer, is transferred to the City of Kenora;
- (iv) the property owners agree, and undertake in writing, to affect all necessary improvements, including land assembly, and further agree to pay for all costs and fees charged in association with the required road improvements incurred by the municipality, surveying, land registry and legal fees;

Private Roads/Dedication of Public Roads Policy

Policy Number	Page	Of
DS-3-1	3	3

The City of Kenora may permit a resident or contractor to make improvements on unopened roadways located on municipal road allowances, on a limited basis. Work shall not commence until such time as both parties enter into an "Unopened Road Improvement Agreement", detailing the specifics of the proposed improvements, including specifications of the works, and proof of liability insurance including a certificate of insurance naming the City of Kenora.

The agreement does not in any way constitute assumption of the road by the City, nor any obligation of the City to repair or maintain the road. Such obligation shall only exist if the City passes a by-law assuming such responsibility.

Once the improvements are complete, the private road shall be posted with a sign indicating that it is not a municipal road, and travelers proceed at their own risk.

Transfer of Non-Dedicated Municipal Roads

In instances where the City of Kenora maintains a municipal road that has not been dedicated to the City, it is the policy of the City accept the transfer of a surveyed road allowance under terms and conditions that are mutually agreeable to the City and propertyowner.

The transfer of lands shall conform to all pertinent provisions of the Planning Act, Official Plan and zoning by-law. In cases where the affected land is subject to an application for consent to sever one or more lots, a road allowance will be transferred to the City for all municipal roads located on the subject land not already dedicated to the City.

The dedication of the land for the municipal road purposes shall include all contiguous land owned by applicant. The road allowance shall be a minimum of 20 metres wide, unless in the opinion of the City Engineer additional lands are required for municipal purposes.