

November 30, 2012



**City Council
Committee Report**

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: Assumption of Silver Ghost Drive and Wraith Close and release of obligations of Developers

Recommendation:

That Council give three readings to a by-law to accept and assume Silver Ghost Drive and Wraith Close, as indicated on plan of subdivision 23M-834 and establish them as highways for municipal purposes; and further

That upon acknowledgement by the Municipal Solicitor that there are no liens or other encumbrances which would affect the City, and acknowledgement that the developers will pay all legal and transfer costs associated with the assumption, Council releases the developers, Ben Ratuski and Neil Walsten, of any further obligations associated with the subdivision agreement approved in 1980.

Background:

In May of 1980, the MMAH gave draft approval to a subdivision to be developed by Ben Ratuski and Neil Walsten.

The City of Kenora has record that, in April of 1984, the Clerk of the former Town of Jaffray Melick acknowledged that conditions 3 through 9 of the approval had been addressed and dealt with in a manner satisfactory to the Township.

At that time, the Ministry of Transportation was the signatory on road development within the Township. There has never been record of the MTO signing off on the standard of development of Silver Ghost Drive and Wraith Close. The roads have been considered to be private.

In October of 2009, the developers approached the City to complete the subdivision agreement. The City provided the developers with the rural road standards and the works progressed towards those standards. A two year maintenance period began in October of 2009 and was in place until October of 2011. The roads were re-inspected, additional works required and the City's Road Supervisor now recommends that the roads be assumed and the developers released of their obligations.

Budget: applicant pays legal fees.

Communication Plan/Notice By-law Requirements: Property and Planning Minutes, Council Agenda, Developer, Municipal Solicitor