

**PUBLIC WORKS DEPARTMENT POLICY MANUAL**

PW3.P01.2

SECTION <b>ENGINEERING</b>	NAME OF POLICY <b>DEDICATION OF LAND FOR ROAD WIDENING</b>
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DEVELOPED BY: L. BOUSFIELD, MANAGER, PROPERTY & LEGAL SURVEY SERVICES

APPROVED BY: PUBLIC WORKS & UTILITIES COMM. DATE: APRIL 27, 1978

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**POLICY STATEMENT**

It is the intent of this policy to delineate the conditions under which the Region will request a dedication of land for widening regional road allowances. This policy will be applied when considering road widening as part of reconstruction or refurbishment of existing highways, or otherwise required in the opinion of the Commissioner of Public Works to accommodate moving traffic, parking, pedestrians, utilities and access to adjacent properties in accordance with the Philosophy of Land Dedication described herein. It shall further be applied when considering development applications adjacent to regional roads for plans of subdivision, condominiums, severances, rezonings, site plans, variances and Niagara Escarpment Commission development applications.

**RATIONALE FOR LAND DEDICATION  
POLICIES FOR ROAD WIDENING PURPOSES**

Land dedication requests are made in an attempt by the Region to reduce the costs of acquiring land for road widening purposes. In approving development along regional roads or in approving zoning changes which will permit development to occur, the Region enables property owners to develop their land but in turn acquires certain financial obligations. These financial commitments may result from the need to provide sewer and water services, and new or wider roads (as well as other commitments which are part of municipal and regional government). Thus the Region, in requesting land dedications, recognizes the private benefits associated with developments it approves and, in turn, attempts to reduce public expenditures associated with such developments. In this way, a portion of the burden is placed upon the beneficiary rather than all on the general public.

**PHILOSOPHY OF LAND DEDICATION**

Three general principles will be applied in assessing the need for land dedication for road widening purposes.

1. Role of the Roadways in the Region's Transportation System

Traditionally road rights of way are designed to accommodate moving traffic, parking, pedestrians, utilities and access to adjacent properties. The adjacent section of roadway to a development will be evaluated as to its present condition and ability to provide the above functions. The adjacent roadway will also be evaluated as to how these functions can be provided in the future when the projected volumes on the Region's transportation system are realized. The adjacent section will then be reviewed and the necessary widening will be identified.

2. Impact of Development on a Roadway

Development adjacent to any roadway usually has some impact on how the roadway functions because of the demand for additional utilities, increased pedestrian use or access. Minor variances usually do not affect traffic volumes. Severance and rezoning applications will vary in their effect, depending on whether or not additional buildings or higher development densities are to be expected. Subdivisions usually have a major impact on the adjacent road section in that there is a major change in the land use. The impact of the development of adjacent roadway will be evaluated from the point of view of access, increased traffic, and provision of utilities in order to identify the widening required.

3. Determining Width of Road Widening

The Region's request for a road widening will be fair and consistent and conform to the Region's Policy Plan Amendment 106 for Regional road allowances. Generally, for most Regional roads the request will require the transfer of equal and sufficient land from both sides of the road to establish an overall width of 26.212 metres (86.0 feet) measured 13.106 metres (43.0 feet) from the centre line of the original road allowance.

In established urban areas where the majority of existing buildings are located close to the road allowance (ie. downtown commercial areas), the request for a widening will attempt to establish a uniform road allowance. Because of physical and practical constraints, the uniform width may vary in most cases from 10.058 metres (33.0 feet) to 13.106 metres (43.0 feet) (the preferred distance) from the centre line of the road allowance.

New development such as commercial, residential, industrial or institutional may require dedication of additional and uneven widening to permit the construction of turning lanes,

sidewalk and utilities to service the new development.

In the case of an intersecting road, the Region may require the dedication of a triangular widening for traffic design, sidewalk or utility purposes. The side of the triangular shall not exceed 15 metres (49.213 feet) in a rural area and 4.5 metres (14.764 feet) in an urban area. Some variations could occur in unusual circumstances (as per Policy Plan Amendment 106).

## **LAND DEDICATION FOR ROAD WIDENING PURPOSES**

Policies with respect to each type of, road widening based on the potential source of the lands, are as follows:

### 1. Subdivisions and Condominiums

The Regional Municipality of Niagara will request dedication of all lands necessary for improvements to the abutting regional roads and for the provision of future regional roads as a condition for approval of draft plan of subdivision and condominium.

### 2. Severances

The Regional Municipality of Niagara will request the Land Division Committee to include, as a condition of severance approval, a dedication of all lands necessary for improvements to the abutting regional road for any parcel on which new or additional development can occur as a result of the severance, and on regional roads which need to be widened within the foreseeable future. The request for a gratuitous widening for any one severance application will not exceed 500 feet in length across the frontage abutting the regional road allowance.

### 3. Rezoning By-laws and Site Plans

The Regional Municipality of Niagara will request that provision be made in any development agreement between the area municipalities and the owner for the dedications of all lands necessary for improvement to abutting regional roads, provided the application would allow new or additional development and that the regional road will need to be widened within the foreseeable future.

### 4. Minor Variance

The Regional Municipality of Niagara will request the Committees of Adjustment of the local

municipalities to request, as a condition of minor variance approval, a dedication of all land necessary for improvements to the abutting regional road only where it is felt that the minor variance will adversely affect the operation and safety of the regional road or will permit a significant increase in development.

5. Niagara Escarpment  
Development Applications

The Regional Municipality of Niagara will request the Niagara Escarpment Commission to include, as a condition of approval of a development permit with the Niagara Escarpment development control area, a dedication of all lands necessary for improvements to the abutting regional roads, provided the application would allow new or additional development and provided the regional road will need to be widened within the foreseeable future. This request for a gratuitous widening will not exceed 500 feet in length across the frontage abutting the regional road allowance.

6. Other Land Acquisitions

The Regional Municipality of Niagara shall, when undertaking construction or refurbishment of roads or upon discovery of specific needs, consider and apply best industry practices in road design while at all times maximizing value for taxpayers. If, as a result of application of best practices and the principles set forth in this Policy, a road widening is in the opinion of the Commissioner of Public Works, desirable; the lands needed for the widening exist within the stock of land already owned by The Regional Municipality of Niagara and available for that use; or such lands can be acquired with funds budgeted for related road works, then a by-law to effect such widening will be prepared and submitted to Council for consideration.

## **LEGAL SURVEY COSTS**

Refer to Public Works Department Policy No. PW3.P01.5, Legal Surveys and Preparation of Plans.

## **ACCEPTANCE AND DEDICATION**

To minimize the number of reports to be dealt with at the Committee level, the Director of Legal & Court Services will accept these road widenings and/or reserves as a procedural matter not requiring a separate report to Committee. Dedication of road widenings will be done by by-law which the Director of Legal & Court Services will periodically submit to Council.

**REFERENCES:**

<u>Report</u>	<u>Committee Date</u>	<u>Council Date</u>
DEA-42-19	April 27, 1978	May 4, 1978
DEP-998	July 20, 1978	August 3, 1978
DEP-1101	February 8, 1979	(replaced with DEA-69, item 23)
DEA-69-23	March 21, 1979	April 5, 1979
DEA-97-15	January 24, 1980	February 2, 1980
DEA-187-32	October 26, 1982	November 18, 1982
DEA-287-23	August 12, 1986	August 21, 1986
DEA-327-5	March 22, 1988	April 7, 1988
DEA-436-1	April 27, 1993	May 4, 1993
PW-52-2016	September 7, 2016	September 15, 2016

See also Policy No. PW3.P01.3, Development Proposals, Guideline for Clearing Conditions Involving Property and Policy Plan Amendment 106

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