
Subject: Report to Amend By-Law No. 48-2012 – A By-Law to Remove Highways from the Regional Road System in the Town of Grimsby

Report to: Public Works Committee

Report date: Tuesday, July 14, 2020

Recommendations

1. That By-law No. 48-2012 passed on May 24, 2012 **BE AMENDED** to clarify the description of the lands intended to be removed from the Regional Road system and transferred to the Town of Grimsby; and
2. That the form of Amending By-Law attached hereto as Appendix 5 **BE APPROVED** by Regional Council.

Key Facts

- The purpose of this report is to seek Council's approval for an amendment to By-Law No. 48-2012 to properly re-describe the lands.
- The jurisdiction of Regional Road 39, known as the North Service Road from the boundary with the City of Hamilton easterly to Olive Street was transferred to the Town of Grimsby by By-law 48-2012, however this By-law was not registered on title for the subject lands due to the legal descriptions not being acceptable to the Land Registry Office.
- Reference plans along the QEW corridor have now been prepared by the Ministry of Transportation and accurate descriptions of the lands are now available.
- Survey's staff have been fully engaged in matching the lands in the new reference plans to the lands originally downloaded to the Town of Grimsby and the preparation of the descriptions in the attached draft by-law.
- The passing and registration of the amended by-law will permit the Town of Grimsby to apply to change the records at the Land Registry Office to show the Town of Grimsby as the registered owner of the subject lands.

Financial Considerations

The financial implications were detailed in Public Works Report PWA 04-2012 and set out the estimated cost savings which would result from the transfer of the North Service Road to the Town of Grimsby and the assumption of a portion of the South Service

Road and Clarke Street from the Town of Grimsby to Niagara Region. The Town of Grimsby has been maintaining the portions of the roads that were transferred to the Town pursuant to By-law No. 48-2012.

Analysis

The Ministry of Transportation (MTO) downloaded certain lands in the QEW corridor to Niagara Region by Order in Council 2517/98, registered in the Land Registry Office on December 11, 1998 as RO749145 (the “OIC 1998”). The OIC 1998 did not contain a legal description of the lands, but contained a basic line drawing to illustrate the lands that vested in the jurisdiction and control of Niagara Region.

On May 24, 2012, Council passed By-law 48-2012 authorized by Report PWA 04-2012, which transferred a portion of the lands set out in OIC 1998 to the Town of Grimsby.

It was determined that the survey costs to properly describe the lands downloaded to Grimsby would be excessive and it was understood that MTO would be completing reference plans for both the north and south service roads in the future. The reference plans to properly describe the lands in OIC 1998, were completed by MTO in 2017. These reference plans were the basis for the description contained in an amended Order in Council 1904/2017, registered in the Land Registry Office on November 17, 2017 as NR466062 (the “OIC 2017”).

In order to finalize the intended transfer of title in the Land Registry Office, as requested by the Town of Grimsby, the By-law attached has been prepared to reflect the acceptable descriptions.

Appendix 1 attached provides an aerial view of the lands intended to be downloaded to the Town of Grimsby from the Regional boundary with Hamilton to Olive Street, which are identified in red. The lands shown in green were already under the jurisdiction of the Town of Grimsby and did not form part of By-law 48-2012.

Appendices 2, 3 and 4 are enlarged views of the area, and set out the lands described in the attached by-law as follows:

Appendix 2 – being the Firstly described lands

Appendix 3 – being the Secondly described lands

Appendix 4 – being the Thirdly described lands

Alternatives Reviewed

This Report is to clarify the extent of an existing decision of Council from 2012 and as such no alternatives were considered.

Relationship to Council Strategic Priorities

This Recommendation would be consistent with Council objectives related to supporting responsible growth and infrastructure planning as well as supporting the co-ordinated services that form part of a Sustainable and Engaging Government.

Other Pertinent Reports

- PWA 04-2012 – Transfer of Road Jurisdiction in the Town of Grimsby

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Public Works Department

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This report was prepared in consultation with Norma Price, Law Clerk and Normans Taurins, Manager, Surveys & Property Information, and reviewed by Carolyn Ryall, Director of Transportation.

Appendices

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| Appendix 1 | Aerial View – Regional Boundary to Olive Street |
| Appendix 2 | Aerial View – Firstly described lands in the attached By-law |

Appendix 3	Aerial View – Secondly described lands in the attached By-law
Appendix 4	Aerial View – Thirdly described lands in the attached By-law
Appendix 5	Amending By-law