

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 43-2021**

**Council Meeting Date: November 30, 2021**

**TO:** Mayor Weber and Members of Council  
**FROM:** Will Nywening, Senior Planner  
**RE:** Creek Side Place Assumption By-Law  
Plan 25M-70  
Village Crossing Phase 2 / Creek Side Place, Grand Bend

### **RECOMMENDATION:**

**THAT** Report PL 43-2021 relating to an Assumption By-Law be received.

**THAT** Creek Side Place and Blocks 28, 30, and 31 as identified on Plan 25M-70 and the works located therein be assumed by the Municipality of Lambton Shores.

**THAT** By-Law 88 of 2021 be approved.

---

### **SUMMARY**

This report relates to Subdivision file 38T03001 for MT Johnstone Construction Ltd. and the plan of subdivision registered as Plan 25M-70 (Attachment 1).

### **BACKGROUND**

Subdivision file 38T-03001 was granted draft approval on January 19, 2004. Phase 1, Village Gate, was constructed and registered and assumed by the Municipality in December of 2006.

Creek Side Place, the second and final phase, consisting of 27 lots for single detached dwellings, was granted final approval and registered May 23, 2019. The subdivision was constructed pursuant to a subdivision agreement approved by Council May 15, 2018 and deemed substantially complete October 24, 2019.

The two year maintenance period for this last phase has now expired and the Municipality has received a request for the return of the securities that are being retained for the maintenance period. Community Development Services staff have reviewed the completed works and are of the opinion that all works required under the subdivision agreement have been completed satisfactorily.

Staff therefore recommends that Council pass a by-law to assume the road and infrastructure contained therein after which Staff will return the outstanding securities

related to this development. A draft by-law is included within the By-laws section of Council's agenda. The By-law includes the assumption of the following parcels and the works contained therein:

- Road Allowance dedicated as Creek Side Place,
- Block 28, which contains a sanitary pumping station,
- Block 30, which is a pedestrian walkway and pedestrian bridge to Phase 1, and
- Block 31, which was previously dedicated as a part of Summergrove Road.

There are lands within the intersection of Summergrove Road and Brooklawn Drive that are owned by the Municipality but have never been formally dedicated as a public highway. They are outside of Plan 25M-70 but must be crossed for access to the subdivision. To correct this situation, the applicant and Staff agreed that the Municipality would pay for a reference plan and the applicant the cost of registering a road dedication by-law. This has not been done yet. The surveyor has still not completed the requested reference plan. Staff will withhold a sufficient portion of the applicant's legal deposit to ensure the necessary road dedication by-law is passed and registered once the reference plan is done. This is a matter external to Plan 25M-70 and does not need to delay assumption of the roads and infrastructure within Plan 25M-70 or the return of other securities.

### **ALTERNATIVES TO CONSIDER**

None at this time.

### **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 43-2021;
- Assume the road and infrastructure located within Creek Side Place and Blocks 28, 30, and 31 on Plan 25M-70; and
- Pass By-Law 88 of 2021.

### **FINANCIAL IMPACT**

None.

### **CONSULTATION**

Nick Verhoeven, Community Services Department, Municipality of Lambton Shores

# Attachment 1 – Plan of Subdivision

