

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
REPORT**

TO: Mayor and Council
FROM: Director of Public Works and Facilities – Tom Brown
DATE: November 10th, 2009
SUBJECT: Portage Flyer Lane

RECOMMENDATION:

Be it resolved that the Township of Lake of Bays Council “maintain the status quo beyond the existing assumed portion of Portage Flyer Lane, located in Franklin Ward now in the Township of Lake of Bays.

ORIGIN:

Request from Council.

BACKGROUND:

Portage Flyer Lane is located in Franklin Ward and is a road that is accessed from Wolf Bay Road off District Road #23 (North Portage Road).

Portage Flyer Lane is not listed in the past or current Roads Needs Study and is not inventoried in the municipal road system. The detailed records on Portage Flyer Lane are not at the same level as other roads within the municipality, as it is considered a private roadway.

The part of the lane in question is located on an original road allowance that is 66’ wide; however, the traveled road on the road allowance is only about 8 to 10 feet wide.

Prior to 1981, a part of this road was used as a turn around for municipal equipment. At that time Wolf Bay Road was snowplowed to the intersection of what is now known as Portage Flyer Lane. When Wolf Bay Road was snowplowed beyond this point this portion of Portage Flyer Lane was not used by the municipality and no maintenance was completed on what was considered to be an “old” snowplow turn around

Until 1994, no telephone calls were received regarding this road. In 1994, a telephone call was received from a local resident requesting the public works department complete some repairs to the section of road that was considered by the municipal roads department as an “old” snowplow turn around. It was agreed that the repairs be completed as this section of road could be considered assumed by the municipality.

Over the next few years, additional telephone calls were received from the same local resident requesting additional minor repairs. Road maintenance was completed concurrently with grading that was being completed on Wolf Bay Road.

Recorded Historical Major Events (by year)

1975 to 1981	Road allowance used as snowplow turn around.
1994	Limited maintenance on 66’ road allowance.
1994 to 2006	Washout repair, ditching and re-gravelling as requested by tax payers.
2006	Letter in regards to history of road allowance.

2006 November Site visit.
 2007 January Letter to Mr. Merritt.
 2008 July Title search completed.
 2008 July Re-gravelling.
 2008 September Abandoned fuel tank from road allowance removed and soil testing completed.
 2009 May Telephone message received from Mr. Merritt asking about the re-gravelling.
 2009 September Letter to C.A.O.-Treasurer from Springsyde Cottagers Association with information about the road.
 2009 October Response to Springsyde Cottagers Association in regards to the road.
 2009 October Site visit of road to measure 180 foot mark.

Summary

In the past, the municipality may assume a road by completing maintenance on the road intentionally or un-intentionally. In 2001, the Municipal Act was changed so that the only way a municipality assumes a road is by Council passing a by-law.

From my personal knowledge there is no question that the township assumed the first part of this road allowance approximately 30 metres or 100 feet, due to the fact that the snowplow turned around on the road. In other cases similar to this, it would normally be the person, requesting the township to consider maintenance on the road in question, to prove that public money had been spent on the road in the past. This proof would be provided in the form of public records, affidavits from former road superintendents or in some cases provincial records.

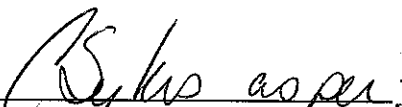
This is a very short piece of road allowance that within the last few years has cost the municipality approximately \$9,500.

Based on legal advice obtained in October 27, 2009 from Burger Rowe and under the current Municipal Act, should Council wish to assume maintenance of this road, the road would be classified as Class 6 road with a requirement to provide year-round maintenance.

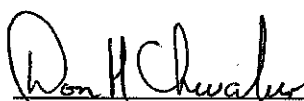
Projected Financial Impact (per year)

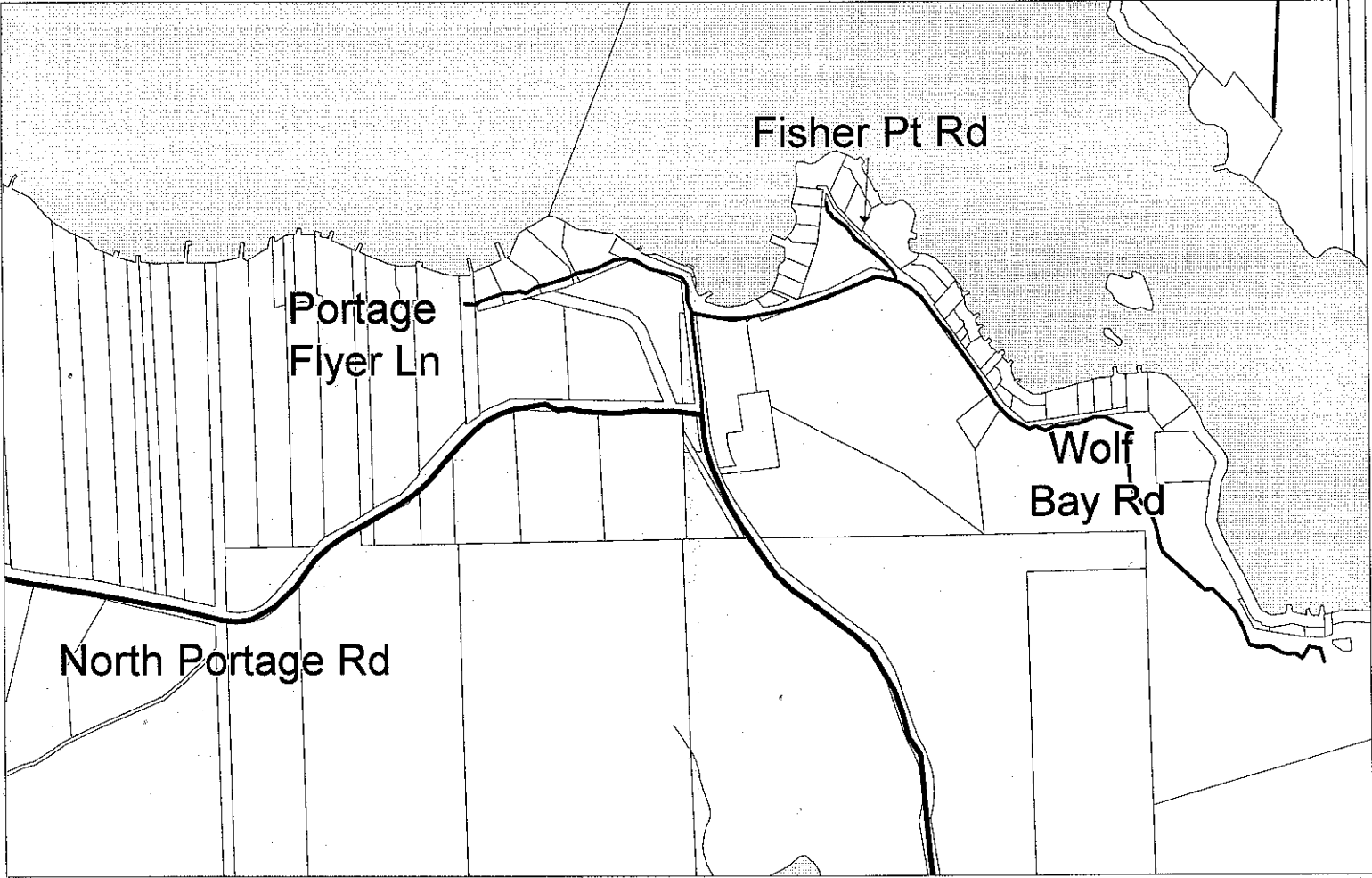
Class 6	Grading	\$200.
	Gravel	\$200.
	Other Maintenance	\$300.
	Snowplowing/Sanding	<u>\$400.</u>
	Total Costs	\$1100.

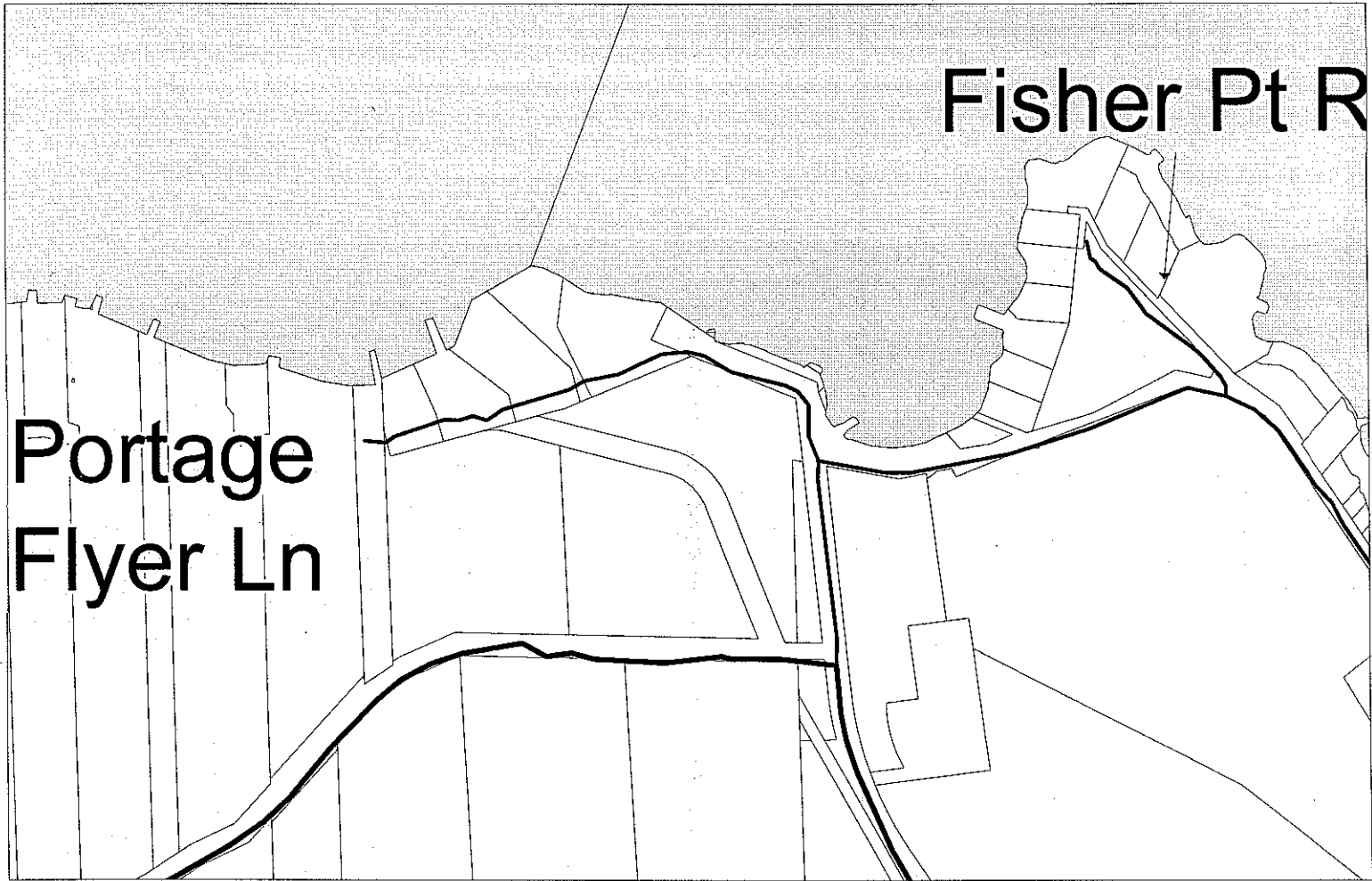
Submitted By


 Tom Brown
 Director of Public Works

Reviewed By


 Don H. Chevalier
 C.A.O./Treasurer





**Portage
Flyer Ln**

Fisher Pt R