

Report to Council

Report Title: Side Road 5 N Resident Request

Prepared By: Cally Mann, Municipal Executive Coordinator

Department: Operations

Date: October 12, 2021

Report Number: PW2021-22 **File Number:** C11PW

Attachments: Mr. Bethune Letter to Council,
Side Road 5N Maps

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number PW2021-22 – Side Road 5 N Resident Request, prepared by Cally Mann, Municipal Executive Coordinator, for information purposes and further directs staff to follow historical procedures related to the maintenance of unopened road allowances.

Report:

Background:

Mr. Mark Bethune has been in contact with municipal staff regarding the unopened road allowance that leads to his family's property, Side Road 5N. Mr. Bethune has not been satisfied with Brockton Staff's direction and as a result has written the attached letter to Council.



Side Road 5N is an unopened road allowance that runs along and south of the Arran Elderslie / Brockton Town line (in an elbow or 90 degree pattern). Side Road 5N only serves to gain access/ egress to Mr. Bethune's property. Mr. Bethune's property has only recently become a permanent residence.

The Brant Elderslie Townline Road is a boundary road and as such, has a combined jurisdiction, Brockton and Arran Elderslie.

The major bridge replacement on the Brant Elderslie Townline Road was completed in 2019 and was a Bruce County project. There was a major road realignment associated with this project. The Bruce County mapping lines for the new road construction for the Brant Elderslie Townline road has not been updated, however the road allowance in question, Side Road 5N, remains the same.

Mr. Bethune first contacted the municipality regarding Side Road 5N, at the Brant Elderslie Townline Road and Side Road 5N on June 10th, 2021. Mr. Bethune voiced two (2) concerns at that time 1) He wanted the entrance to Side Road 5N moved and 2) General Road Maintenance. Since then, Mr. Bethune was informed by staff that Side Road 5N was an unopened road allowance and that we had no plans to move the entrance of Side Road 5N, especially due to the topography of the area. Mr. Bethune was also notified that any upgrades to the unopened road allowance would be at his cost and would have to be engineered and upgraded to Municipal road construction standards, approved in advance by the Municipality. Municipal Staff agreed to visit the site and assess the situation. Staff also agreed to grade the road, but only one time. If the roadway was upgraded to Municipal Standards, then the Municipality would be willing and able to put it on our regular maintenance list.

Historically and as common practice, residents who reside on unopened road allowances, as Mr. Bethune does, who wish to have a municipally maintained road, have been responsible for the engineering and construction to build it up to municipal standards before the road is assumed by the municipality. Mr. Bethune has been provided the process for building the road to municipal standards. This is the same requirement for developers of new subdivisions or properties.

Arran Elderslie staff have been consulted and have confirmed that they have no interest or plans, at this time, to help build up the road or to change the location of the intersection. Their historical policies and common practice are the same as Brockton's.

Analysis:

In Mr. Bethune's letter to Brockton Council, please see attached, Mr. Bethune requested that staff consider moving the entrance of the road as he has concerns regarding the perception that he is driving on his neighbour's driveway, to enter his own property. The neighbour's driveway was completely concreted right to the Brant Elderslie Townline Road. The neighbour in question did this on their own accord and without permission from Brockton or Arran Elderslie. Because this was an upgrade to an existing driveway, no permit was required. The new concrete driveway appears to have been done recently, after the Bruce County 2020 imaging was completed. Please see the attached maps and photo. While we can appreciate this situation is likely awkward for Mr. Bethune, this is the way it has been for many years. Further to that, the topography of where Mr. Bethune suggests the new road entrance should be is very challenging. It would be a costly project. Brockton would have to negotiate a deal with Arran Elderslie and seek approvals and funding from them in order for us to proceed. Again, staff from Arran Elderslie have already been contacted and have stated that they don't have any plans at the time to approve or fund the entrance relocation of Side Road 5N. They are also of the opinion that any relocation and upgrades to Side Road 5N would be the responsibility of Mr. Bethune.

Secondly, Mr. Bethune is requesting that Side Road 5N be maintained up to the Fire Sign. On September 13th, Brockton Public Works staff were onsite to grade the road. To grade a road means to level out the irregularities, such as pot holes. As Side Road 5N is an unopened gravel road allowance, grading is typically all that staff do to maintain the road. As Mr. Bethune has pointed out in his letter, he is not asking for winter maintenance.

With regard to Emergency Services, Chief Wells, Director of Fire and Emergency Services has been consulted regarding fire response, and noted that the responding trucks would be coming from Paisley. Chief Wells confirms that access to Mr. Bethune’s property, in the event of a fire could be done, however he has suggested that some trees will need to be cut back on the unopened road allowance and along the private driveway to get better access.

It is the position of Brockton and Arran Elderslie staff that if Mr. Bethune wishes to have the entrance to Side Road 5N relocated and to have Side Road 5N upgraded, that he needs to do that himself, at his expense as has been standard with many past residents who may live on unopened road allowances or seek to build in such a location. This is based on Arran Elderslie and Brockton’s historical procedures and common practices. Mr. Bethune will need to get engineered drawings, submit them to both Arran Elderslie and Brockton for review and approval, and then hire a contractor to do the work. After that, Brockton and Arran Elderslie will add Side Road 5N to our road inspection and maintenance program. This process has been communicated to Mr. Bethune. We bring this to Council’s attention based on the submission received.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? N/A
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

Costs associated with Mr. Bethune’s requests have not yet been established and are not a part of the 2021 operating or capital budget.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

A handwritten signature in dark ink, appearing to be 'Cally Mann', with a long horizontal flourish extending to the right.

Cally Mann, Municipal Executive Coordinator

Reviewed By:

A handwritten signature in dark ink, appearing to be 'Sonya Watson', with a long horizontal flourish extending to the right.

Sonya Watson, Chief Administrative Officer