

**The Corporation of the City of Kawartha Lakes**  
**Council Report**

**Report Number RD2020-002**

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**Meeting Date:** July 28, 2020

**Title:** Maintenance Responsibility - Francis Street East, Fenelon Falls

**Description:** A review of maintenance responsibility for 202, 206, 208, 210 Francis Street East in Fenelon Falls.

**Ward Number:** 3

**Author and Title:** Bryan Robinson, Director of Public Works

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**Recommendation(s):**

**That Report RD2020-002, Maintenance Responsibility – Francis Street, Fenelon,** be received;

**That** Council acknowledges the laneway extending from Francis Street East providing access to 210 Francis St E, 208 Francis St E, 206 Francis St E, and roll number 165124000123000 is a shared driveway for the joint and sole benefit of those private properties; and

**That** Staff be directed to cease service on the shared driveway and provide notice to the benefitting property owners.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

At the Council Meeting of October 22, 2019, Council adopted the following resolution:

CR2019-577

Moved By Deputy Mayor Elmslie

Seconded By Councillor O'Reilly

That the October 8, 2019 memorandum from Deputy Mayor Elmslie regarding Full Winter Maintenance for the Cul de Sac Accessing Francis Street, Fenelon Falls, be received;

That the cul de sac, encompassing properties 202-210, receive full winter maintenance for 2019-2020 winter season; and

That staff report back to Council at the end of Q1 2020, with background regarding this cul de sac and recommendations for municipal maintenance moving forward.

Carried.

This report addresses that direction.

## **Rationale:**

Public Works is responsible for maintaining roadways to the desired level of service that Council specifies. From time to time, we come across service levels that have been improperly applied. For the most part, these service delivery questions are encompassed within the larger review of maintenance of unassumed and private roads. Staff are continuing to review the larger service level program and plan to review this with Council at a later date. The topic raised within this report is separate from the larger review and can be dealt with as an independent item as it addresses individual access to a road allowance.

In order to improve the efficiency and safety for the motoring public, Francis Street East in Fenelon Falls was reconstructed by the municipality (reference Appendix A – General location map). The road was realigned and portions of the road allowance were stopped up and closed (reference Appendix C – Service Ontario Parcel Map). The elevation difference between the road and the homes in the vicinity of 202 – 210 Francis Street East was significant that made it impossible to enable traditional driveways along the frontage of the property. In order to maintain access, a shared driveway was created that branched off of Francis Street East and runs along the frontage of the noted properties (reference Appendix B – Aerial Photography). The shared driveway is within the

municipal road allowance much the same as the initial portion of a traditional driveway traverses from the road allowance to private property. The driveway varies in width and was not constructed with a proper municipal turn around for municipal service equipment.

Since the reconstruction, the shared driveway has been maintained by the municipality. In 2019, the situation was reviewed with the local Councillor and the residents were advised that service on the shared driveway would cease. Upon notification, the residents did not agree with the position of Staff and as a result, Councillor Elmslie provided the memo to Council on October 22, 2019 which asked that staff continue servicing the shared driveway until additional information could be brought to Council in Q1 of 2020 for consideration. The report has been delayed to Council due to COVID-19.

It is Staff's opinion that the shared driveway was installed for the sole benefit of the local residents in lieu of being able to have traditional driveways fronting Francis Street East. The shared driveway was not constructed to municipal standard and as such, service by the City should not have occurred.

### **Other Alternatives Considered:**

#### **Alternative 1:**

Council could consider providing direction to Staff to perform winter maintenance only on the shared laneway. Staff do not support this alternative. This would be achieved by removing:

**That** Staff be directed to cease service on the shared driveway and provide notice to the benefitting property owners.

And adding:

**That** Staff be directed to perform winter maintenance only on the shared laneway and provide notice to the benefitting property owners.

#### **Alternative 2:**

Council could consider providing direction to Staff to perform full municipal services on the shared laneway. This would have Staff perform summer and winter maintenance to municipal standard and also plan for the capital replacement of the road. This alternative is not recommended by Staff. This would be achieved by removing:

**That** Staff be directed to perform winter maintenance only on the shared laneway and provide notice to the benefitting property owners.

And adding:

**That** Staff be directed to consider the shared laneway part of the municipally assumed road infrastructure, to provide associated maintenance and capital asset management.

### **Financial/Operation Impacts:**

Currently the shared laneway is being maintained by the City within our annual operating budget. Removal of this work would enable reallocation of resources to other assumed municipal infrastructure.

If Council chooses Alternative 2 which would also have the City assume summer maintenance and capital replacement of the road, the additional budget for lifecycle replacement would be approximately \$25,000 in 2020 dollars.

### **Relationship of Recommendation(s) To The 2020-2023 Strategic Plan:**

The recommendation in this report support the strategic plan in the form of providing good government – ensuring proper and consistent asset management and providing efficient service delivery.

### **Servicing Implications:**

By agreeing to the recommendations in this report, Council will be moving towards establishing appropriate guidelines and standards for service delivery. The residents that benefit from the laneway servicing their property will be responsible for the maintenance of said laneway, thereby pulling the burden and onus off other taxpayers.

### **Consultations:**

Law Clerk, Realty Services  
Supervisor, Infrastructure Design and Construction

### **Attachments:**

Appendix A – General Location Map



Report 2020-002  
Appendix A.docx

## Appendix B – Aerial Images



Report 2020-002  
Appendix B.docx

## Appendix C – Service Ontario Parcel Map



Report 2020-002  
Appendix C.docx

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