

# Municipality of Lakeshore – Report to Council

## Operations

## Public Works



**To:** Mayor & Members of Council  
**From:** Jeff Wilson, Division Leader – Public Works  
**Date:** February 6, 2023  
**Subject:** Private Roadways – Assumption of Private Roads Policy and Operations Strategy

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### Recommendation

This report is for information only.

### Background

Lakeshore currently has 27 private roadways (approximately 11.5 kms) which vary in location across the municipality, the majority being located along the northern shore. The private roadway locations are identified in the attached maps (Map 1 to 6).

The question of responsibility for maintenance and/or the assumption of private roads has been before Council on several occasions. It was most recently brought to Council on September 12, 2017.

It should also be noted, the municipality provides snow clearing services through a third-party contractor for all privately owned roadways as listed except Beachside Road, Brownstone Road, McKeegan Drive and the Community Park Roads in accordance with a Council resolution from January 19, 2004:

That the Town of Lakeshore provide snow removal on all roads within the municipality utilizing either town or contracted equipment depending on the road configuration and that property owners on private roads be notified prior to commencement of any work.

Operations has received 46 calls since 2021 related to private roads, centered around roadway condition and maintenance.

The private roadways can be classified in three different distinct categories:

- A roadway whereby each property owns a portion of the roadway equal to the width of their property (St. Clair, Crystal Beach);

- A roadway whereby some properties own a portion of the roadway equal to the width of their property and some sections are owned by the Municipality (as a right-of-way) (i.e. Charron Beach Road, Ross Beach Road); or
- A roadway owned by one owner whereby access is provided to one/several properties (i.e. Couture Road, Blanchard Road, Tellier Road)

A report prepared by Dillion Consulting in 2007 entitled *Assessment of Private Roads* outlined challenges and significant concerns during that time. These challenges and concerns are still relevant today and have been expanded. These challenges and concerns are summarized below:


- Property is not owned by the Municipality/the roadway is on privately owned land parcel(s) and therefore, the Municipality no access authority or control;
- In most cases, the road width is inadequate;
- Sections of private roadways are owned by numerous residences (approximately 375 properties), gaining 100% cooperation would be challenging;
- Significant property acquisitions would be required including legal surveys, title searches, property value costs, negotiation effort, etc.;
- Obtaining adequate property width for the proper roadway width to be installed;
- Upgrade of the roadway to municipal standards;
- Inadequate and/or no drainage present;
- Utility conflicts, septic system conflicts, other service conflicts likely exist;
- No current funding source (operations (maintenance) or capital budget);
- Completing infrastructure repairs/replacements (watermains, sanitary sewers, etc.) on private roadways without an operating/maintenance easement in place; and
- Third party utility approvals to install from private landowners.

It should be noted that this report has not been appended as it is now outdated, some of the roadways that were reported private in 2007 have since been formally assumed by the Municipality.

The below summarizes the current updated list of private roadways and key parameters:

Road Name	Road Length (m)	Existing Road Width (m)	Existing Surface Type	Dead End (Y/N)	Cul-de-sac (Y/N)	Practical Width of Future Right-of-way
Anchor Street	110	4.6	Gravel	Y	N	10 meter right -of-way
Angler Avenue	145	4.3	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Blanchard Drive	490	7.5	Surface Treated	Y	N	10 meter right -of-way
Charron Beach Road	960	5.0	Surface Treated	Y	N	Cannot obtain a 10-meter right-of-way
Couture Beach Road	1000	4.4	Gravel	Y	N	Cannot obtain a 10-meter right-of-way

Couture Road	480	6	Surface Treated	N	N	10 meter right -of-way
Crystal Beach Road	780	3.9	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Edward Road	200	3.8	Gravel	Y	N	10 meter right -of-way
Gagnier Lane	180	4.9	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Laforet Beach Road	400	4.7	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Lower Thames Lane	110	3.9	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Martindale Lane	180	4.0	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
McKeegan Drive	90	4.2	Gravel	Y	N	10 meter right -of-way
Muskie Lane	105	4.1	Gravel	Y	N	10 meter right -of-way
Peninsula Street	195	3.8	Asphalt	Y	N	Cannot obtain a 10-meter right-of-way
Right Away Lane	270	5.1	Gravel	Y	N	10 meter right -of-way
Riverside Road	500	4.7	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Ross Beach Road	507	5	Surface Treated	Y	N	Cannot obtain a 10-meter right-of-way
Shoreline Avenue	300	4.3	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Sunset View Lane	190	5.6	Surface Treated	Y	N	Cannot obtain a 10-meter right-of-way
Tellier Road	450	4.5	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Tisdelle Road	260	4.0	Asphalt	Y	N	Cannot obtain a 10-meter right-of-way
Beachside Road	119	7.0	Asphalt	N	N	New condominium roadway, adequate width
Brownstone Road	167	7.0	Asphalt	Y	N	New condominium roadway, adequate width
McKeegan Drive	76	4.0	Gravel	Y	N	Cannot obtain a 10-meter right-of-way
Town & Country Community	2,028	9.2	Asphalt	Y	N	10 meter right -of-way
Suncrest Community	1,200	6.2	Asphalt	N	N	Cannot obtain a 10-meter right-of-way
<b>Total</b>	11,492					

 Yellow highlighted indicates that the existing road width is currently inadequate to accommodate a two-lane roadway

Please note that the condition of the above noted private roadways are not known as they do not form part of the Municipality's Minimum Maintenance Road Patrol inspections.

## **Comments**

In previous Council reports, Council has continuously directed Administration to follow the Assumption of Private Roads Policy based on the significant challenges and concerns noted above.

Further, municipal staff have been given clear direction to not complete any maintenance work on roadways that are not owned by the municipality. The municipality has no authority or funding to complete any maintenance or lifecycle work on private roads. These roadways are not inspected, nor have they been confirmed to meet municipal, technical or roadway safety standards.

However, it should be noted that in some instances, there has been confusion related to the boundaries for maintenance on these roads and/or roadway sections.

At this time, Administration is recommending continuing to adhere to the Assumption of Private Roads Policy for the above noted list, however the following enhancements will be implemented:

- Circulation of annual letters/notices identifying the owner's responsibility to maintain their private roadway section and access, and further reminding residents on the Assumption of Private Road Policy;
- When infrastructure within private roadways requires improvements or replacement, negotiation of operating easements on behalf of the Municipality will be completed at that time and as required; and
- Installation of signage on all private roadways to clearly identify privately owned roads and/or sections.

## **Others Consulted**

Dillon Consulting was consulted in 2007 related to private roadways.

## **Financial Impacts**

In the 2023 budget, Administration included a \$30,000.00 increase to the signs and safety device account in the Roads Operating budget to install and maintain the information signage for private roads and provide annual notices to those residents impacted.

## Attachments

Attachment 1 – Private Road Maps

Attachment 2 – Assumption of Private Roads Policy

## Report Approval Details

Document Title:	Private Roadway – Assumption of Private Roads Policy and Operations Strategy.docx
Attachments:	- Map1.pdf - Map2.pdf - Map3.pdf - Map4.pdf - Map5.pdf - Map6.pdf - Assumption of Private Roads 06.doc
Final Approval Date:	Feb 9, 2023

This report and all of its attachments were approved and signed as outlined below:

Prepared by Jeff Wilson

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride