



Schedule 'A' to Bylaw 2025-010

Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Planning and Operations			POLICY #:
POLICY: Road Transfer Policy			
DATE: Jan. 15, 2025	REV. DATE:	COVERAGE: Members of the Public	PAGE #: 1-4

Part I – Purpose

1. Purpose

The purpose of this policy is to establish the criteria for the Municipality to accept the transfer of roads or parts of roads. This criteria is based upon good land use planning, sound fiscal responsibility, and responsible asset management.

It is at the discretion of the Municipality whether to accept or not accept a transfer of a road or part of a road.

Part II - Definitions

2. Definitions

“Applicant” shall mean a person or entity having requested to transfer a road or part of a road to the Municipality.

“boulevard” shall mean that part of a road which is not used, or not intended to be used, for vehicular travel by the public, and is situated between the portion of the road used for vehicular travel by the public and the adjoining property line, including, but limited to;

“Council” shall mean the Council of The Corporation of the Municipality of Hastings Highlands.

“infrastructure” includes, but is not limited to, any public or private utility structure,

copper or coaxial wire, fibre optic cable, pipe, conduit, pedestal, cabinet, antenna, vault, support structure, culvert, noise barrier, fence, guiderail, barricade, traffic island, traffic control device, sign, light, rail facility, pavement, subgrade, catch basin, handwell, valve chamber, valve box, curb, gutter, sidewalk, driveway, mailbox, hydrant, sod, berm, ditch or watercourse;

“Maintenance” shall mean the level of service provided by the Municipality to a road in accordance with the Level of Service Bylaw, as amended. The term “maintained” shall have the same meaning as maintenance.

“Municipal Planner” shall mean an employee of the Municipality who is responsible for land use planning matters, as designated by the Chief Administrative Officer (CAO).

“Municipal Property” shall mean any property situated within the Municipality that is owned or controlled by the Municipality.

“Municipality” shall mean the Corporation of the Municipality of Hastings Highlands.

“Operations Manager” shall mean an employee of the Municipality who is responsible for the management of the roads of the Municipality, as designated by the Chief Administrative Officer (CAO).

“Owner” shall mean any person with legal title to real or personal property and includes an authorized agent.

“Road” shall mean a common and public Highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, or an unopened and unassumed Highway, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines thereof under the jurisdiction of the Municipality;

“Road Transfer” shall mean the Municipality accepting and becoming owners on title to land of a road or part of a road, including any infrastructure or boulevard on the said land and the dedication and assumption of any lands for said road or part of road in accordance with applicable legislation; and

“User Fees and Service Charges Bylaw” shall mean a bylaw passed by Council pursuant to section 391 of the *Municipal Act* establishing the fees and charges for services or activities provided by or on behalf of the Municipality, as amended or

replaced from time to time.

Part III – General Provisions

3. The Municipality shall only accept a road or part of a road to be dedicated and assumed by the Municipality, in accordance with applicable legislation, for a road or a part of a road that is maintained by the Municipality.
4. The Municipality shall consider all applicable legislation, policies, bylaws, standards, and procedures when reviewing a request to transfer a road or part of a road.
5. In the event the Municipality is accepting a road or a part of a road, the Municipality shall accept a minimum of 33 feet from the centreline of the road, which shall include any part of the road, infrastructure, and boulevard within 33 feet from the centreline of the road.
 - 5.1 Notwithstanding Section 5 above, the Municipality may not be able to accept 33 feet from the centreline of the road due to certain constraints, such as existing buildings or structures. The Municipality should endeavour and make every reasonable effort to accept up to 33 feet from the centreline of the road or as much as feasibly possible.
6. This Policy shall be read in conjunction with any applicable legislation, policy, bylaw, standard or procedure.
7. **Prohibitions**
 - 7.1 The Municipality shall not accept a road transfer that is not maintained by the Municipality.
 - 7.2 The Municipality may decide to not accept a road transfer at its own discretion.

Part IV – Applicant Responsibilities

8. **Applicant Requirements**
 - 8.1 For the Municipality to consider and review a request from an Applicant, an Applicant shall submit the following to the Municipal Planner:
 - (a) a complete Application in the form prescribed or any reasonable means deemed appropriate by the Municipal Planner, which shall include:
 - i. the Applicant's name;
 - ii. the Applicant's residential and mailing address; and,
 - iii. the telephone number and e-mail address for the Applicant;
 - (b) the applicable fees in accordance with the Municipality's User Fees and

- Service Charges Bylaw, which are not prorated or refundable;
- (c) a site plan or sketch that describes the location of the road for illustrative purposes, which may include a survey or Preliminary Reference Plan; and
 - (d) any additional information or documentation for the purposes of administrating this Policy.
- 8.2 Every Applicant is responsible for all costs associated with the transfer of road or part of a road to the Municipality including, but not limited to, legal, surveying, engineering costs and fees. It is the responsibility of the Applicant to hire or retain the necessary professionals for completing the transfer of the road or part of the road.
- 8.3 For greater clarity, the Applicant is responsible for paying and covering all costs paid by the Municipality that are associated with the transfer of the road or part of the road, including, but not limited to, legal, surveying, and engineering services.

Part V – Approval

9. Approval

- 9.1 An Application for a road transfer will require approval by Council where approval is the passing of a Bylaw to accept the road transfer and to dedicate and assume the road or part of road.
- 9.2 Council shall consider this policy, and all applicable legislation, policies, bylaws and standards in their decision.

Part VI – Administration

10. Review

- 10.1 An Application for a road transfer will be submitted to the Municipal Planner. The Municipal Planner will deem whether the Application is complete or if additional documentation, information, or materials is needed.
- 10.2 The Municipal Planner will consult with the Operations Manager.
- 10.3 The Municipal Planner or Operations Manager may need to consult with other departments, the County of Hastings, external agencies, or qualified professionals. Any costs associated with this will be borne by the Applicant.