

# CITY OF WELLAND

## POLICY

<b>Policy Title:</b> Subdivision Assumption Policy	
<b>Date of Approval:</b> October 17, 2006	<b>Policy Number:</b> SER-007-0006
<b>Lead Role:</b> Gen. Mgr., Infrastructure Services/City Engineer	<b>Support Role:</b> Mgr. Engineering Services
<b>Cross Reference:</b> By-law 2006-165; Report ENG-2006-51	<b>Next Review Date:</b>
<b>Council File Number:</b> 06-154	

### Policy Statement:

To permit the formal assumption of subdivision developments by the City of Welland once all obligations of the subdivision agreement between the developer and the City of Welland have been complied with to the satisfaction of the Engineer, as outlined in Report ENG-2006-51.

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2006 - 165


**A BY-LAW TO ESTABLISH AND ADOPT A  
CITY POLICY GOVERNING THE ASSUMPTION  
OF SUBDIVISIONS**

WHEREAS Council deems it necessary and advisable to establish and adopt a procedure governing the Assumption of Subdivisions, within the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Policy with respect to the Assumption of Subdivisions, as set out in Report ENG-2006-51, attached hereto and for all purposes forming a part of this by-law, shall be and the same is hereby approved, established and adopted.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS  
17<sup>th</sup> DAY OF **October**, 2006.

  
MAYOR

  
ACTING CITY CLERK

# SCHEDULE "A"

**GENERAL COMMITTEE**  
**ENGINEERING, PUBLIC WORKS AND TRANSPORTATION SERVICES**  
**ENGINEERING DIVISION**

REPORT ENG-2006-51  
October 10, 2006

**SUBJECT: SUBDIVISION ASSUMPTION POLICY**

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**RECOMMENDATION:**

That Council adopts the subdivision assumption policy proposed in Report ENG-2006-51.

**ORIGIN AND BACKGROUND:**

Currently, no formal process exists for assumption of residential developments once the developer has completed all of the requirements contained in the subdivider's agreement. A formal assumption process is necessary to transfer ownership and maintenance issues, over to the City after the maintenance periods for the works constructed have expired.

To date, there has been no such process or formal assumption of ownership by the City although there always have been expectations and obligations to take responsibility for the public aspects of new subdivisions.

**ANALYSIS:**

In consultation with the City Solicitor, wording has been developed for use in a by-law for subdivision assumptions to be presented to Council based on the finalization of the conditions of the subdivision agreement. Once agreement is reached that the conditions have been met and the City is satisfied, a report confirming the completion of all conditions required for the subdivision assumption agreement would be brought to Council together with the recommendation for the return of all security deposits to the developer. With Council's approval of the agreement, the title for roads and public lands would be transferred, and securities returned to the developer.

Adoption of this process will allow for a clear demarcation of change in ownership as to the date when the City agrees that all conditions have been met, and the City responsibility begins. Large number of existing subdivisions will need to be put through the process to confirm that

transfer could and should occur, and that security deposits can be returned. When this process is adopted, the outstanding backlog of existing completed subdivisions can be recognized, and the problem can be avoided with other subdivisions as they completed.

The proposed wording developed is as follows:

**“The ‘Now Existing Subdivision’ plan of subdivision is located on the north-east-south-west side of ‘Name’ Road north of ‘Other’ Road.**

**The terms and conditions of the subdivision agreement between ‘Name’ Developments Inc. and the City of Welland registered ‘Date of Registry’ have been complied with to the satisfaction of the City Engineer and it is now in order to grant final assumption to the development. It is a request of the Engineering Department to prepare the necessary by-law to assume and declare certain lands to be public highways to be known as ‘Name’ Street. Upon declaration of above named streets to be public highways, the City will accept the subdivision for future maintenance and release all securities presently held on deposit for this subdivision.”**

Implementation of this recommendation will require the passing of a by-law, for each subdivision agreement.

#### **FINANCIAL AND STRATEGIC CONSIDERATIONS:**

Direct costs of the process are minimal. Advantages associated with time-saving for complaint investigations, risk assessment and liabilities, and records access if an assumption process is put in place will assist in realizing further cost limitations.

Implementation of this process is in keeping with best practices of municipal government operation and for preventing the waste of staff time. Hence, it supports the Strategic Priorities of the City of Welland.

#### **SUMMARY:**

A policy and process is necessary to permit the formal assumption of subdivision developments once all obligations of the subdivision agreement between the developer and the City of Welland have been satisfied. This mechanism puts in place a public process that declares the transfer of new development to City responsibility.