



## Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	March 17, 2025
<b>From:</b>	Wayne Hancock, Director of Public Works Drew Hutchison, Engineering Technician
<b>Report Number:</b>	Public Works 2025-04
<b>Subject:</b>	Dedication of Parts 1 & 2, 45R-17799 as a Municipal Easement

### Recommendations:

1. That Council authorize the acquisition and registration of a drainage easement over Part lot 10, Concession 4 being Part 1 & 2, 45R-17799; and
2. That the Mayor and Clerk be authorized to execute By-law No. 2025-17 and all such related registration documentation being a By-law for the foregoing purposes.

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### Overview:

During the 2024 Lisa Court Reconstruction project design phase, staff were investigating the existing infrastructure design and found a documented easement across lot 12 Lisa Court and lot 13 Lisa Court. Due to the elevations of the creek and the design requirements, staff were unable to satisfy the design along the existing easement. Staff met with the Property Owners of 12 Lisa Court and 13 Lisa Court to discuss realigning the easement moving it downstream to a more favorable location.

Both homeowners agreed to the proposed realignment of the easement and staff requested J.D. Barnes to provide the Township with a legal survey of the realigned easement. During the investigation of the land titles, it was found that the easement was not registered on title during the subdivision assumption in 1978.

The Registered Plan 45R-17799 (Attachment 1) shows the realigned easement. Within this easement is the storm sewer infrastructure for Lisa Court providing an outlet to the Baxter Creek tributary running through the rear yard.

To complete the registration of this easement, staff consulted with legal counsel, Ed Veldboom and are recommending that Council execute By-law No. 2025-17 being a By-

law to dedicate the registration Part lot 10, Concession 4 being Parts 1 & 2 on Plan 45R-17799 as a Municipal Easement.

**Financial Impact:**

The Township will be paying legal survey costs and legal fees, which include the property owner's legal costs, to complete the transfer which is estimated to be \$5,000.00. These costs, totaling an estimated \$5,000.00 plus any net municipal H.S.T. on applicable items, will be paid through the Operational Budget account for legal fees, 01-15-100-00000-6100.

**Attachments:**

Attachment No. 1 - Registered Plan 45R-17799

Attachment No. 2 - By-law No. 2025-17 being a By-law to dedicate the registration Part lot 10, Concession 4 being Parts 1 & 2 on Plan 45R-17799 as a Municipal Easement.

Respectfully Submitted by,

Reviewed by,

Wayne Hancock,  
Director of Public Works

Yvette Hurley  
Chief Administrative Officer

Drew Hutchison,  
Engineering Technician

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA
1	PART OF	4	PART OF 28014-0254	319.9 sq. m.
2	LOT 10		PART OF 28014-0255	14.8 sq. m.

PLAN 45R-17799

Received and deposited

January 23<sup>rd</sup>, 2025

Todd Bondy

Representative for the  
Land Registrar for the  
Land Titles Division of  
Peterborough (No.45)

PLAN OF SURVEY OF  
**PART OF LOT 10,  
CONCESSION 4**  
NOW IN THE  
GEOGRAPHIC VILLAGE OF MILLBROOK  
TOWNSHIP OF CAVAN-MONAGHAN  
COUNTY OF PETERBOROUGH

J.D. BARNES LIMITED  
DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN  
**METRIC** METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
SCALE 1 : 250  
THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 919mm IN HEIGHT  
WHEN PLOTTED AT A SCALE OF 1:250

**NOTES**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B,  
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)  
(2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY  
THE COMBINED SCALE FACTOR OF 1.000070.  
FOR BEARING COMPARISONS, A ROTATION OF 1°48'50" COUNTER-CLOCKWISE WAS  
APPLIED TO BEARINGS ON P1, P2, AND P3.

**INTEGRATION DATA**

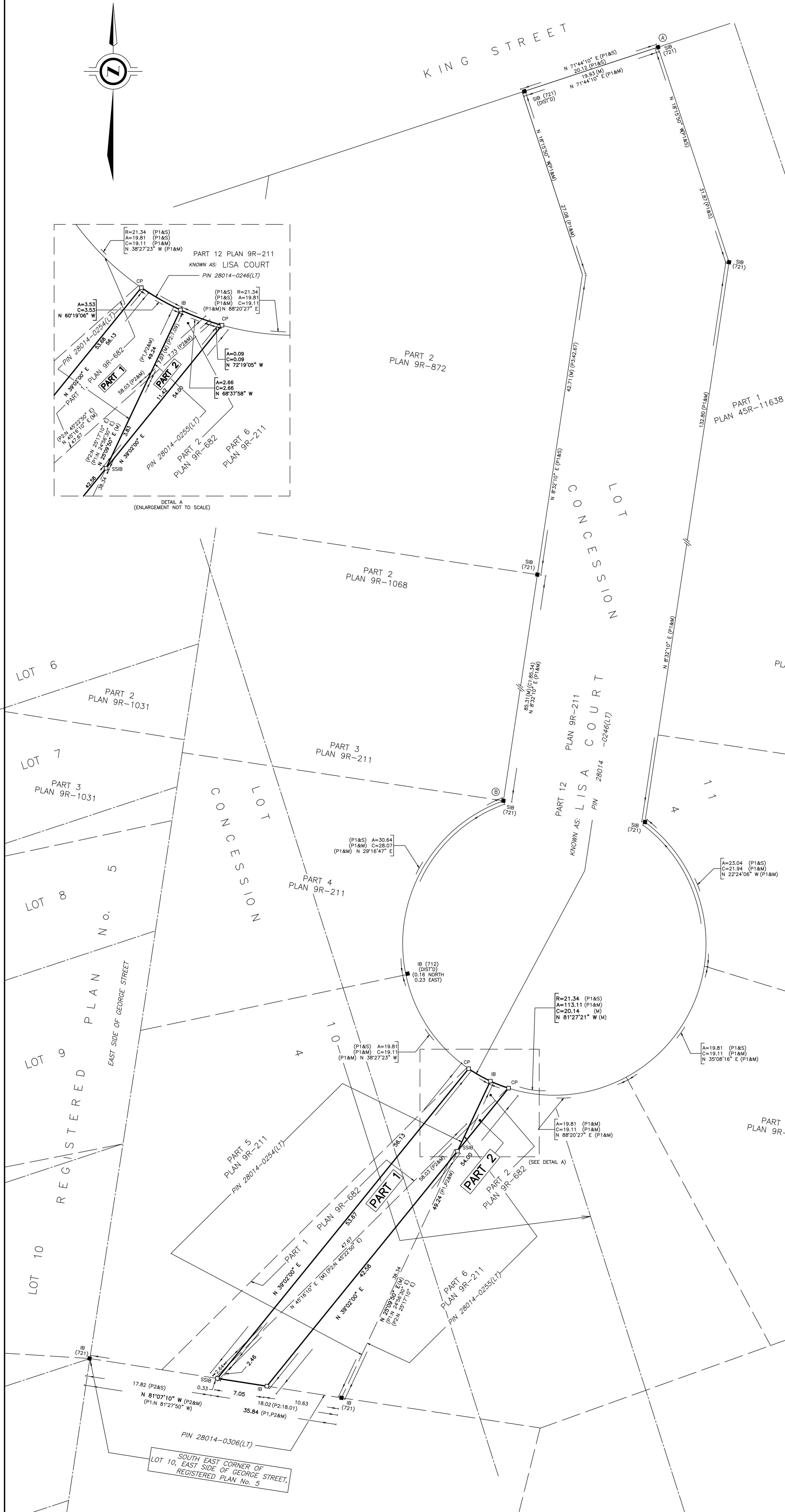
POINT ID	NORTHING	EASTING
ORP (A)	4 891 466.87	703 202.69
ORP (B)	4 891 308.24	703 173.02

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 161.37 N 10°35'40" E

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- WIT. DENOTES WITNESS
- JDB DENOTES J.D. BARNES Ltd.
- E&P DENOTES ELLIOTT AND PARR (PETERBOROUGH) LTD.
- M DENOTES MEASURED
- S DENOTES SET
- P1 DENOTES PLAN 9R-211
- P2 DENOTES PLAN 45R-682
- P3 DENOTES PLAN 9R-872
- C1 DENOTES CALCULATED FROM P1 AND P3

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN  
AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH  
SECTION 11 (4) OF O.R.S. 529/91.



**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS  
ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS  
MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON NOVEMBER 28, 2024.

JANUARY 16, 2025  
DATE  
SHAWN M. O'CONNOR  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-92112

**Elliott and Parr**  
(PETERBOROUGH) SURVEYING  
MAPPING  
A Division of  
J. D. Barnes Limited  
GIS  
211 SHERBROOKE ST PETERBOROUGH, ON K9J 2N2  
T: (705) 745-8444 F: (705) 745-5314 www.jdbarnes.com

DRAWN BY: JK	CHECKED BY: SMO	REFERENCE NO.: 24-19-020-01
FILE: E&P MILLBROOK 18	DATED: 01/16/2024	PLOTTED: 01/16/2024

**The Township of Cavan Monaghan**

**By-law No. 2025-17**

**Being a by-law to authorize the acquisition and registration of a drainage easement over Part Lot 10, Concession 4 being Parts 1 & 2 on Plan 45R-17799**

**Whereas** the former Village of Millbrook initiated a process to obtain an easement over Part of Lot 10, Concession 4 in the geographic Township of Cavan described as Part 1, 9R682;

**And Whereas** the drainage works were constructed, however, the formal easement documents were not registered;

**And Whereas** the Township sought to replace, improve and adjust the location of such services for purposes of, among other things, realigning the outlet and avoiding damage to existing trees on the properties;

**And Whereas** the foregoing work has been substantially completed and the owners of Parts 1 and 2, 45R-17799 have agreed to the grant the formal easements;

**Now Therefore**, be it enacted as a By-law of the Township of Cavan Monaghan as follows:

1. That the acquisition and registration of a drainage easement over Part lot 10, Concession 4 being Parts 1 & 2 on Plan 45R-17799 is hereby authorized; and
2. That the Mayor and Clerk are hereby authorized to execute all such documentation to effect the registration of the drainage easement.

Read a First, Second and Third Time and passed this 17<sup>th</sup> day of March 2025.

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**Matthew Graham**  
Mayor

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**Cindy Page**  
Clerk