

DEFINITIONS:

46.01 In this policy the following definitions apply:

- a) “Owner” (of property) means any person, corporation or estate assessed as an owner of the property referred to;
- b) “Private road” means any road which is not a public street;
- c) “Public street” means any street or road owned and maintained by the Region of Queens Municipality;
- d) “Qualified applicant(s)” means an owner or owners having threshold ownership or a person who can prove to be authorized to act on behalf of an owner;
- e) “Threshold ownership” means evidence of support of sixty percent (60%) of the owners of land fronting on or abutting the area of land proposed to become a public street; and evidence that the frontages of the lands owned by those owners represent at least sixty percent (60%) of the frontages that will be created when and if the area of land becomes a public street.

STATUTORY RESTRICTION:

46.02 There are serious responsibilities, including maintenance costs and potential liabilities, which accompany ownership of any public street. For that reason, the Nova Scotia legislature has seen fit to protect the Region of Queens from having an area of land, which is being used as a road, deeded to it without its permission – see Section 308(3) of the *Municipal Government Act*.

INTENT:

46.03 For reasons of public safety and cost-effectiveness of taxpayers’ dollars, the Region of Queens attempts to maintain minimum standards and design criteria in all of its public streets. In order for Council to consider the takeover of a private road, thereby converting it to a public street, certain minimum design criteria must be met.

POLICY:

46.04 It shall be the policy of the Region of Queens that, pursuant to the provisions of Section 308(3) of the *Municipal Government Act*, the Council of the Region of Queens Municipality shall, by formal motion in each case, accept ownership of any private road which meets the minimum design criteria as outlined in the Municipal Services specifications Manual of the Region of Queens – as long as the process and fees outlined in this policy are complied with.

INTERNAL PROCESS:

- 46.05 Before considering a motion to accept an area of land as a public street, the Mayor and members of the Council of the Region of Queens shall have a review – a minimum of seven (7) days in advance of the meeting at which the item will be debated – a report from the Engineering Department of the Region of Queens indicating whether or not the land in the subject application meets the minimum design criteria as outlined in the Municipal Services Specifications Manual of the Region of Queens and making a recommendation for acceptance or rejection of the proposal.
- 46.06 After reviewing an application and accompanying plans, the Engineering Department of the Region of Queens shall inform the applicants, in writing, whether or not, in the Department's opinion, the area of land proposed to be deeded to the Region meets the minimum design criteria as outlined in the Municipal Services Specifications Manual. If the Department's opinion is that the area does not meet those criteria, reasons will be provided in that same letter.

APPLICATION PROCESS:

- 46.07 An application in one of the forms specified in the Schedules attached to this policy must be completed and signed by a qualified applicant(s).
- a) Meets design criteria:
- (i). In case of a private road which the qualified applicant(s) feel meets the required design criteria, a Schedule "A" application is to be utilized and must be accompanied by:
- bore hole test results accompanied by a full report certified by a Professional Engineer authorized to practice in Nova Scotia;
 - ten (10) copies of a survey plan of the existing private road, and showing-in addition to all the minimum requirements of the Nova Scotia Surveyors Act and regulations made thereunder – full boundaries of all properties abutting (or to a minimum depth of 200 feet from the edge of the existing private road) and include the following existing field conditions: buildings, any large trees, wells, septic tank & fields, natural watercourses and primary services, if any.
 - ten (10) copies of the topographical plan showing the existing field elevations at a suitable contour scale as well as spot elevations of any basements, foundations, streams beds or pipe inverts.

- ten (10) copies of an engineering plan and profile drawing showing existing and proposed grades, drainage arrangements to provide adequately for all anticipate stormwater flows – as well as road geometry information sufficient for Region of Queens Engineering staff to assess whether or not the land meets the required minimum design criteria.
- all plans referenced above to be certified by a Professional Land Surveyor authorized to practice in Nova Scotia.

b) Upgrading Required:

In case of a private road which must be brought up to the required design criteria, a Schedule “B” application is to be utilized and must be accompanied by Petition Sheets – in the form attached as Petition pages of Schedule “B” – completed and signed by each of the owners constituting the qualified applicant(s).

FEES:

46.08 The owners shall be responsible to pay, before the application is to be complete, a fee equivalent to that for approval of plan of subdivision as outlined in the FEES FOR PLANNING SERVICE POLICY of the Region of Queens.

Approved by Council:

LIST OF OWNERS

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

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Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Name: _____

Address: _____

Postal Code: _____ Phone: _____

Convert to Public Street or Highway:

We further request that the Region of Queens Municipality thereafter accept the said Private Road as a Public Street or Highway of the Region of Queens Municipality.

SEE THE PETITION SHEET ATTACHED

Schedule "B"

PETITION – FOR UPGRADING OF PRIVATE ROAD

To the Council of the Region of Queens Municipality:

Regarding a private road, or portion thereof, known as

_____ and located in
the area of the Region of Queens know as

_____ and more
specifically referenced by the following description:

I respectfully request that the Council of the Region of Queens Municipality carry out upgrading of the private road, or portion thereof, referenced above to the point that the said private road, or portion, meets the minimum design criteria for a public street per the Municipal Services Specifications Manual of the Region of Queens.

I also request that the costs of such upgrading be charged back to owners of all lands that abut the proposed public street – by way of an area rate. Such area rate to be calculated based on the preferred choice of the undersigned owners as indicated below.

PETITIONING PROPERTY OWNER

NAME: (printed) _____

ADDRESS: _____

- Choose One:
- an equal charge to each abutting property
 - per dollar of assessed value of each property
 - a flat rate per each abutting property containing a residence

Signature: _____