

April 10/04

HF-Development

# Who owns Trites Road?

**Developer, Town of Riverview each claim the other is responsible for section of road between Whitepine and Callowhill**



**Developer David Radford wishes to develop the land along both sides of a stretch of Trites Road in Riverview from Whitepine to Callowhill. But first ownership of that stretch of road must be decided — the town says it's the developer's, while the developer says it's the town's.**

By KRISTEN VERNON  
TIMES & TRANSCRIPT STAFF

Ownership of the single-lane heavily patched section of Trites Road, between Whitepine and Callowhill Roads, is disputed.

And access to the heavily used route, which is even travelled by Codiac Transit bus 14 Riverview West, could be blocked, depending on the outcome of Riverview town council's meeting Tuesday.

Developer David Radford of Greater Moncton Developments Ltd. argues that the Town of Riverview is the rightful owner of the stretch of Trites Road south of Whitepine Road, and at Tuesday's council meeting

he wants council to accept ownership of the road.

The town, however, despite repairing and plowing the street, maintains Greater Moncton Developments Ltd. owns the road.

This debate, which has raged for more than 20 years but now appears to be coming to a head, is the latest in a series of development-related issues to confront Riverview council in the past

few months.

"These types of actions by the Town of Riverview are jeopardizing the future development of Trites Road, having a negative impact on the growth of Riverview," Radford said.

If the road is deemed a municipal street, Radford said the town would be responsible for the upgrades.

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## NEW BRUNSWICK

# Ownership of Trites Road in question for 20 years

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But if Trites Road is owned by Greater Moncton Developments, that responsibility falls to the company.

Greater Moncton Developments, which built the subdivisions off Trites Road, has further development plans for the property off Trites Road nearest Whitepine Road.

"The complete development would bring close to \$1 million in new tax revenue to the town every year," Radford said. "The tax generated from the development would easily pay for the upgrading of the road."

As a way to speed up the proposed development of 400 apartment and condominium units, as well as 900 square metres (10,000 square feet) of neighbourhood commercial, as well as six hectares (15 acres) of parkland, including trails for children to walk to school, Radford said the company is willing to cost-share with the town and the town has indicated its willingness for such an arrangement.

But for liability reasons, the question of ownership must first be settled.

If, as the town maintains, the road is deemed privately owned by Greater Moncton Developments, the company can be held liable for an accident, Radford said.

"Personally, I believe that if it is not a municipal road, it should not be travelled on," Radford said.

"Vehicles should not travel on the road. Basically, I'm letting vehicles travel on a private road and I'm liable for any accident that takes place and, due to the condition of the road as it is now, there is just cause to believe an accident is soon to happen."

Radford said he would restrict access to that section of Trites Road if, after Tuesday's meeting, council doesn't recognize the road as a municipal street.

Among the latest pieces of evidence Radford has amassed as he lobbies to have Riverview council accept ownership of the road, is a letter from the provincial office of planning and land management, dated Sept. 24, 2003.

"Trites Road is shown as a municipal street from the intersection of Route 112 (Coverdale Road) to the intersection of Callowhill Road, for a distance of approximately 2.120 km," writes Brian McEwing, director of planning and land management, in a letter to Radford.

The letter states Trites Road has been a municipal road since 1974. As well, the letter indicates the strip of road is included in the town's total kilometre count, which is used in the calculation of the town's annual unconditional grant level.

At Tuesday's meeting, Radford said he plans to ask council: "In light of the new information from the Department of Transportation, do you consider Trites Road, south of Whitepine, a municipal road?"

Radford said he hopes council will have a vote at its meeting on the question.

The town has outlined its position in correspondence with Radford.

"For greater clarification, the construction of streets has been the responsibility of the developer for some years in the Town of Riverview. Trites Road would be no exception and it does not make any difference if the roadway is a municipal street or just vacant land where a street is to be provided," town manager David Muir

wrote in a letter dated Feb. 27, 2003.

The letter later states: "Currently Town Council is of the opinion that Trites Road south of Whitepine Road is not a municipal street and to my knowledge has never been designated as such on any subdivision plan."

The town, according to the correspondence, has no plans to unilaterally upgrade the road, but is willing to consider a proposal from developers.

Ward 1 Coun. Gordon Cowan said this wasn't a file he was overly familiar with, but that he has spoken to Radford.

"I couldn't believe that the road wasn't accepted as a municipal road," he said.

Because the town has been repairing and plowing the road, the town has more or less accepted responsibility for the road in Cowan's eyes.

"I think common sense would prevail here, and we've maintained it for so long."

"That isn't a position shared by Ward 4 Coun. Clarence Sweetland. "At the town we consider the land to be Greater Moncton Developments."

He reiterated the policy whereby developers are expected to build streets to municipal standards, responsibility for which is later assumed by the town.

"That's our position — that Trites Road is the developers' responsibility and then the town would take over it."

"We're willing to talk. We're willing to look at other possible solutions," he said.

Pat and Debbie O'Brien, who live on Carnation Crescent in the Ingleswood subdivision off Trites Road, said they have known about the disputed ownership of the street since moving to the neighbourhood of single-family homes five years ago.

This dispute seems to them to be characteristic of a council that that appears to have an inability to take a stand on development issues. They pointed to the host of restrictions recently attached to a rezoning needed to make way for the proposed Chocolate River Conservatory of Music.

If the town does own this section of Trites Road, it would have to upgrade the road to municipal standards. Pat O'Brien said, and while he said he couldn't guess at the cost of that, he doesn't imagine the town would have the funds.

As Pat O'Brien went on to explain: "There's old Riverview and there's new Riverview."

The so-called new Riverview, among which Pat O'Brien counts his family and neighbourhood, is more transient and more supportive of development.

He said they are also the homeowners who still have mortgages and are concerned about the tax rate. A more diversified tax base would help to maintain the tax rate.

However, Pat O'Brien also noted there would be concerns among the owners of the single-family homes who live near where Greater Moncton Developments proposes to build apartments.

"The town is not going to want apartments built there because everybody will complain and people believe that apartments bring people that don't have a buy-in."