

SCHEDULE "B" TO BY-LAW 2009-08 PROCEDURE FOR CLOSURE AND DISPOSAL OF ROAD ALLOWANCES



PURPOSE

To establish a policy to regulate the closure and disposal of road allowances and to develop a procedure to consistently process any request that has been supported by Council in accordance with the following principles.

Council will not consider the closure and disposal of any road allowance that leads to the bank of any river or stream or to the shore of any lake or other water except as hereinafter provided for.

Council will give consideration to the closure and disposal of a road allowance, which in the original survey, leads along or on the shore of any lake or other water or along the bank of any river, stream or other water. The road allowance in this case must be situated in such a manner that it splits the applicant's waterfront property in two and/or is the only separation between the applicant's property and the bank of any river, stream or other water or the shoreline of any lake or other water. This shall be referred to as a shoreline road allowance.

Council will also give consideration to the closure and disposal of a road allowance adjacent to property which is not on the waterfront but where the development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes. This shall be referred to as an inland road allowance.

The Township will consider for sale a road allowance only to the property owner(s) whose land is adjacent to this allowance. This will not apply in instances where a portion of a road allowance is a viable building lot, in which case the lands could be offered for sale to the general public.

PROCEDURES

Prior to submitting an application for a road allowance closure, the proposal must be submitted to Council for consideration. If Council approves of the proposal, a resolution or by-law deeming the subject property to be surplus land will be passed as per Schedule "C" to By-Law 2009-08.

Once the subject lands have been deemed surplus by resolution or by-law of Council, the Applicant must file the following documentation with the municipality:

1. A correctly completed "Application to Purchase" form as per Schedule "E" to By-Law 2009-08.
2. A cheque payable to the Corporation of the United Townships of Head, Clara & Maria to cover the cost of lands, municipal administration costs, legal fees, advertising costs, Solicitor's administration costs, and any other associated costs. Detailed information with respect to the calculation of costs is provided below.

COSTS

COSTS FOR LANDS

- Minimum fee of \$1,000.00 for up to 100 feet of frontage on an inland road allowance.
- Minimum fee of \$2,500.00 for up to 100 feet of frontage on a shoreline road allowance.

- Over 100 feet, minimum fee plus \$10.00 per each additional foot on an inland road allowance or \$25.00 per each additional foot on a shoreline road allowance.

PROCESSING COSTS

- A \$2,100.00 security deposit, in addition to the cost for lands, must be paid to the Township at the time of application. This deposit will be used to pay the legal fees, advertising costs, Solicitor's administration; any other costs related to the application and includes a non-refundable \$150.00 as a municipal administration fee.
 - Sample public notice ads are provided in Schedule "D" to By-Law 2009-08.
 - If the costs incurred to process the application are greater than this amount the applicant will be required to submit additional funds. If after the closure is complete, there are funds remaining on deposit, a refund will be issued to the Applicant.
 - Council retains the right to amend these fees from time to time.
3. A reference plan of the road allowance showing it as a part on a Plan that can be registered for merging purposes. All costs associated with the preparation of the reference plan are the responsibility of the Applicant.

REFERENCE PLAN REQUIREMENTS

- The reference plan must show all structures;
 - If the subject property is a shoreline road allowance the reference plan of the lands to be closed and deeded shall not include any areas that have been filled, "man-made" or are under water;
 - The reference plan must show any/all submerged portions of a shoreline road allowance;
 - The reference plan must show any/all filled lands on the bed of the water body if applicable;
 - The road allowance must be identified as a part on the reference plan that can be registered for merging purposes
4. Consent from adjacent landowners, indicating their approval of the purchase of the road allowance as shown on the reference plan.

CONSENT REQUIREMENTS

Discuss your road allowance purchase with your neighbours and ask them to sign a statement on a copy of your reference plan. You may wish to discuss your reference plan with your neighbours before it is completed in order to determine whether they are in favour of the proposed boundary lines. Council will consider their opinions and concerns in making a decision. The following statement will be required on each reference plan:

"We the undersigned abutting property owners have no objections to the proposed extension of property as shown on this reference plan for (your name), for the purpose of acquiring the road allowance abutting their property."

5. The municipality will review the documentation provided and advise the Applicant of any deficiencies. Upon presentation of your application to the Township Office, Municipal Staff will calculate your cost for lands based on the frontage indicated on your reference

plan in accordance with the method set out above. When complete the documentation will be sent by the Municipality to the Municipal Solicitor for processing.

6. During the legal process the applicant will be supplied with a proposed notice of closure that must be displayed in six prominent places in the vicinity of the property for a period of two (2) weeks. The posting at the subject property will be the responsibility of the Applicant and notice must be permitted to remain for the required period of time. The Municipality will post the remaining notices as per class #4 of Schedule "A" to the Municipal Notice By-law.
7. The notice must be published in local newspaper(s) at least two (2) times; the final publication must be one week prior to the Council meeting when the closure bylaw will be considered. The Clerk will complete the publishing of this notice.
8. Any person who feels his/her ingress or egress to his/her property may be affected can file an objection to the proposal. Any concerns raised by members of the public will be resolved to Council's satisfaction prior to the enactment of a bylaw to stop-up, close and dispose of the subject road allowance.