

**THE CORPORATION OF THE TOWNSHIP OF
SMITH-ENNISMORE-LAKEFIELD**

PROCEDURE FOR CLOSURE AND DISPOSAL OF ROAD ALLOWANCES

Adopted: January 13, 2009

PREAMBLE

The intent of the Township of Smith-Ennismore-Lakefield is to retain road allowances leading to water in order to provide opportunities for public access to the waterways in the future.

However, the Township will give consideration to the closure and disposal of a road allowance in circumstances where the road allowance cannot or will not be required as a road or where the subject road allowance is not a viable means of public access to a water body or other public access point.

PURPOSE

To establish a policy with respect to the Municipality's position with regard to the closure and disposal of road allowances and a procedure to process any request that has been supported by Council in accordance with the following principles.

Shoreline Road Allowance

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.

Inland 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.

Road Allowance Leading to Water

Council will also give consideration to the closure and disposal of a road allowance leading to water where the development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes or as a viable means of public access to a water body or other public access point. Council will also consider the closure and disposal of a road allowance where, in the opinion of Council, the applicant can provide an alternate means of viable public access.

Viable Building Lot

Council will also give consideration to the closure and disposal of a road allowance where the development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes and where the said road allowance constitutes a viable building lot.

In the case of a Viable Building Lot there is no applicant involved and the Township will proceed with the stop-up and closure process and proceed with the sale of the lot in accordance with the Real Property Disposal Bylaw.

The Township will consider for sale a road allowance **ONLY** to the property owner(s) whose land is adjacent to this allowance. However, this will **NOT** apply in instances where a portion of a road allowance is a viable building lot, in which case the lands will 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 said proposal, a resolution deeming the subject property to be surplus land will be passed. If deemed appropriate by Council, a public open house may be scheduled to provide any interested residents with an opportunity to provide feedback related to the potential closure of the road allowance.

In the case of a Shoreline Road Allowance, an Inland Road Allowance or a Road Allowance Leading to Water, once the subject lands have been deemed surplus by resolution of Council, the Applicant must file the following documentation with the municipality:

1. A correctly completed "Application to Purchase" form.
2. A cheque payable to the Township of Smith-Ennismore-Lakefield to cover the processing costs and the cost of lands. In the case of a Road Allowance Leading to Water the cost of the lands shall be paid in accordance with the approved agreement of purchase and sale. Detailed information with respect to the calculation of costs is provided below.

COSTS

Costs For Lands

- a) Shoreline Road Allowance: Minimum fee of \$2,500.00 for up to 100 feet of frontage on a shoreline road allowance, plus \$25.00 per each additional foot.
- b) Inland Road Allowance: Minimum fee of \$1,000.00 for up to 100 feet of frontage on an inland road allowance, plus \$10.00 per each additional foot.

- c) Road Allowance Leading to Water: The value of the lands will be determined through the Offer of Purchase and Sale negotiation process and will not be valued less than the fair market value together with such premium as mutually negotiated between the Council and the applicant.

Processing Costs

- d) 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 \$150.00 for the municipal administration fee.
 - e) Where there is a group of Applicants co-operating to proceed through the process simultaneously, staff will estimate the total costs of the process and the security deposit collected from each applicant will be an equal share of the total estimated amount.
 - f) If the costs incurred to process the application are greater than this amount the Applicant(s) 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(s).
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

- a) The reference plan must show all structures and their plotted location on the lands to be closed and deeded;
- b) If the subject property is a shoreline road allowance or a road allowance leading to water 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;
- c) The reference plan must show any/all submerged portions of a shoreline road allowance;
- d) The reference plan must show any/all filled lands on the bed of the waterbody if applicable;
- e) The road allowance must be identified as a part on the reference plan that can be registered for merging purposes

4. Given the costs and time to process an application to close a road allowance, it is advantageous to obtain the consent from adjacent landowners, indicating their approval of the purchase of the road allowance as shown on the reference plan.

Discuss the application to purchase a road allowance with neighbouring property owners and ask them to sign a statement on a copy of your reference plan.

Suggested statement to be included on your reference plan;

"We the undersigned abutting property owners have no objections to the proposed extension of property as shown on this reference plan for (Applicant's 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 the reference plan in accordance with the method set out above (if applicable). 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 on 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 notices in public areas such as the Library, Municipal Office, Arena, etc. The Municipality will mail a copy of the public notice to adjacent land owners.
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 By-law will be considered. The publishing of this notice will be done by the Solicitor on behalf of Municipality.
8. Any person who feels his/her ingress or egress to his/her property may be affected, can file an objection to the proposal. Council shall determine the merit of any objections raised prior to providing a final decision to enact a By-law to stop-up, close and dispose of the subject road allowance.

APPLICATION TO PURCHASE ROAD ALLOWANCE

I/We _____
(all owners named on Deed)

request to purchase the road allowance adjacent the property described as:

(insert Lot, Concession, Township, Plan & Lot if applicable)

Mailing Address _____

Telephone: _____

Email: _____

Signature of Owner
Date of Birth: _____

Signature of Owner
Date of Birth: _____

Cost for Lands and Application Fees (payable to Municipality)

		Minimum Fee	Additional Fee (where applicable >100 feet)	Total Fee
Cost for Lands - (check applicable)	<input type="checkbox"/> Inland Road Allowance	\$1,000	\$10 @ ___/foot=\$_____	\$
	<input type="checkbox"/> Shoreline Road Allowance	\$2,500	\$25 @ ___/foot=\$_____	\$
	<input type="checkbox"/> Road Allowance Leading Water	N/A	In accordance with approved Agreement of Purchase and Sale	\$
Application Fees (Deposit)				
Total Payable				

Date Received

Signature of Municipal Staff

Submit Application to: Township of Smith-Ennismore-Lakefield, P.O. Box 270,
Bridgenorth, Ontario, K0L 1H0

Telephone: (705) 292-9507 Fax (705) 292-8964

In accordance with the Municipal Freedom of Information and Protection of Privacy Act, the personal information gathered will be used for the purposes of processing this application.