

**THE CORPORATION OF THE TOWNSHIP OF STRONG
ORIGINAL SHORE ROAD ALLOWANCE CLOSURE
PROCEDURES**

Procedures and application for Original Shore Road Allowance Closing and Original Road Allowance Closing.

GENERAL POLICY:

Council will consider applications to stop up, close and convey road allowances and shore road allowances on a case by case basis. It is the policy of the Township of Strong that all associated legal, survey and administrative costs shall be borne by the applicant. Additionally, a successful sale will require the applicant to pay the applicable purchase price for the land.

As part of the application process, Council shall consider any comments received respecting the proposed sale prior to rendering a decision to sell or retain the lands. Should council in its discretion, decide to retain the lands, any expenses incurred to the date remain the responsibility of the applicant.

Generally the portion of shore road to be closed and conveyed will be determined by extension of the existing lot lines, in order to provide regularly shaped lots for zoning purposes.

Applications will not be approved if other owners of land are or may be deprived of the sole vehicular access to property or if the closure conflicts with the Township by-laws or practices.

A shore road allowance application will be considered expired if it has been inactive for a period of two years.

In the event that the Township requires that a lot be deemed “not be a lot on a registered plan of subdivision” there will be an additional fee of \$ 300.00 per application payable to the Township of Strong to cover the additional processing costs.

The Deeming By-law shall be registered on title by the Township Solicitor, at the expense of applicant, prior to the registration of the by-law and transfer of lands.

Applications for deeming by-laws and Development Permits are processed by the Township of Strong and may require consultation with the Municipal Planner. All costs associated shall be the applicant’s responsibility.

Original Shore Road Allowance and Road Allowance Closure applications are available on the Township of Strong website and upon request from the Clerk’s office.

Where application is made to exchange road allowance for shore road allowance the following shall apply subject to preliminary approval by Council:

- a) applicant shall pay the difference between the current cost of the road allowance and the current purchase price of the original shore road allowances based on the municipal fee schedule for sale of shore road allowances; and
- b) where the road allowance is of greater value than the original shore road allowance due to land mass, then the Township shall exercise the right to do an equal exchange of land for land at the lower of the two values.

The required by-law will not be given final approval until the realty taxes on the applicant's property are current.

PRE-CONSULTATION:

It is recommended that all proponents consult with the municipality prior to making application to purchase any road or shore road allowance.

ANTICIPATED EXPENSES:

Applicants for all road closures pay all costs associated with the legal and survey work required in connection with the closure and sale. The initial application fee includes:

- The administration fee for review of the initial application and creation of the new file
- Circulations to various departments and agencies
- Correspondence with applicant
- Preparation of preliminary report to Council, if applicable
- Transfer of file to applicants solicitor with instruction letter;
- Review of the new reference plan for the subject road allowance
- Preparation of resolution and final report, and
- Presentation of by-law to Council

At the discretion of the Clerk the Township Solicitor will/may act on behalf of the Township in the closure and sale of all Township Road. All legal fees associated with the sale are the responsibility of the applicant. The applicant is responsible for engaging an Ontario Land Surveyor familiar with road closings to prepare a new reference plan of the subject shore road allowance. Prior to this plan of reference being deposited in the Land Registry Office, it must be reviewed by the Municipal Clerk and/or Municipal Solicitor to ensure it complies with the Township's policies.

The applicant is advised that the survey costs and associated fees would be reduced considerably, if several abutting property owners apply at one time to close the original shore road allowance.

For the convenience of the potential applicants, the following is an estimate of possible costs associated with the closing and purchase of road allowances and shore road allowances. It must be understood that each case is unique, and associated costs are subjective.

The following are Fixed Costs:

Initial Deposit with Application (Non refundable)	\$ 500.00
Preliminary Deposit when given approval in principle	\$3000.00
A Fair Market Value, Sale price	\$.25 per square foot

The following are estimated costs:

Advertising and circulation	\$ 400.00
Legal Costs	\$ 800.00
Survey Costs	Contact OLS for estimate
Cost to register documents	\$ 200.00

TIMING:

Timing is subject to many variables, such as dates of council meetings, availability of a surveyor, weather and seasonal conditions, media publication dates, municipal staff scheduling, lawyers availability, etc. Since time can vary significantly, applicants should allow up to 12 months from beginning to end of the process.

PROCEDURES:

The following steps outline the general process to be followed when applying to close purchase road allowances or shore road allowances.

1. Pre-consultation with municipality, as required.
2. Application to be completed by applicant or agent, and submitted with non refundable deposit. Seasonal (summer) pictures of current shoreline submitted, where applicable.
3. Approval from the adjoining landowner(s) concerning the location of the extension of the side lot line will be submitted in the following manner:
 - 1) Signed and witnessed Lot Line Extension Authorization form; and
 - 2) A sketch or survey “initialed” or “signed” by the adjoining property owner(s) which clearly shows the proposed lot line, applicant’s property and the adjoining property.
4. Application may be approved “in principle” subject to conditions i.e. deeming by-law or development permit may be required. If approved “in principle” the applicant shall file an initial deposit against legal and administrative fees as set out in Schedule “A” of By-law 2011-010 Sale of Land By-law.
5. A report is submitted to Council only for one or all of the following reasons:

- 1) Approval from the adjoining landowners concerning the location of the extension of the side lot line is not submitted and/or there is a dispute regarding the location.
- 2) Adjoining landowner is the Township of Strong (Road allowance)
- 3) The applicant disagrees with the requirement of a development permit and/or deeming by-law.
- 4) Due to unusual circumstances, staff recommends a condition and Council's concurrence is required.

6. Applicant shall submit a Draft Surveyor's Reference Plan, prepared by Ontario Land Surveyor, for approval by the municipality. Where necessary, the municipality may request that the property owner convey to the municipality, all or a portion of any municipal road which may deviate onto the applicant's property.

7. Once the draft survey has been approved by the municipality, it shall be deposited in the Land Registry office. Once deposited 3 copies shall be provided to the municipality.

8. A date and time for Council to consider the by-law to stop up, close, and convey the road/shore road allowance shall be established, and notice shall be provided as per the Notice requirements 4.5 of By-law 2011-010 Sale of Land by-law – local newspaper – three locations on the property in question and the municipal website.

9. Notice shall also be circulated to all required agencies, the property owner and/or owner's agents(s), and any parties who have expressed written interest in receiving notice.

10. The By-law shall be read at the meeting as indicated in the notice. Council shall give due consideration to any comments that may be presented and decide whether or not to pass the By-law.

11. The applicant shall be required to pay the cost of land, as calculated, as well as any expenses which remain unpaid.

12. Upon the applicant's settlement of all financial obligations with the municipality, the municipality shall submit to the solicitor:

- Clerk's Affidavit,
- Three Certified Copies of the By-law
- Copy of Paid Invoice
- Copy of the Survey
- Confirmation of Property owners and birthdates

13. Once registered, the transaction is rendered complete, and the file shall be closed.

