

**Municipal Corporation of
The Township of Killaloe, Hagarty and Richards**

By-law # 42-2006

Being a by-law to amend By-Law #36-2002, being a by-law to establish policies and procedures for the closure and disposition of road allowances.

WHEREAS authority is granted under the Municipal Act, 2001 for closing or altering a highway;

AND WHEREAS the Township of Killaloe, Hagarty and Richards deems it necessary to set forth its policies and administration procedures in the closing and disposition of Road Allowances;

NOW THEREFORE the Municipal Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

DEFINITIONS:

1. "Road Allowance" includes a Shoreline Road Allowance unless otherwise stated.
2. "Abutting Owner" shall mean the owner of lands abutting the road allowance, and in the case of shoreline road allowance, shall mean the owner of lands abutting the shoreline road allowance that is located in front of their property, between their property and the water body.
3. "Council" shall mean the elected council of the Township of Killaloe, Hagarty and Richards.
4. "Municipality" shall mean the Municipal Corporation of the Township of Killaloe, Hagarty and Richards.

POLICIES:

1. Road allowances or portions of an allowance on or leading to water shall be reserved.
2. The Township has the right to reserve any portion of a road allowance where council considers it appropriate and in the public interest to guarantee access to waterfront and abutting property.
3. The selling price of the road allowance shall be \$5.00 per linear foot, plus GST, unless otherwise agreed to by council.
4. A non-refundable administration fee of \$250.00 shall accompany the application.
5. The applicant shall be responsible for engaging his/her own land surveyor, and shall be responsible for having the shoreline road allowance surveyed by a qualified Ontario Land Surveyor.
6. The municipality, upon conveying to the abutting landowner the road allowance, in no way represents to the applicant, the use which can be made of the road allowance, i.e. building permits, etc.
7. All applications for road allowance closure must conform to the requirements of the appropriate approval authorities.
8. Approval and implementing by-laws shall be passed pursuant to the Municipal Act, 2001, and any amendments thereto.

9. This by-law shall come into force and take effect upon final reading thereof.

The procedures for the purchase of a road allowance are outlined in Schedule "A" attached hereto.

Read a first and second time this day of 2007.

Read a third time and finally passed this day of , 2007.

Mayor

CAO/Clerk-Treasurer

Procedure For Closing A Road Allowance

1. Applicants shall complete the application for road allowance closing.
2. The application shall contain a sketch with all particulars of the road allowance closing, including all other roads in the area and other road allowance closings and show clearly the location of all buildings on the property. The sketch must indicate with reasonable accuracy the lot lines, dimensions and present access to the property.
3. A copy of the registered deed for the property currently owned by the applicant which abuts the road allowance he/she wishes to purchase, shall accompany the application.
4. A cheque in the amount of \$250.00, made payable to the township, shall accompany the application.
5. The applicant shall attach a Reference Plan of the property he/she wishes to purchase from the township.
6. Upon receipt of the Reference Plan, the municipality shall prepare a by-law and required notices, for closure of the road allowance.
7. The municipality shall provide notice of the proposed road allowance closure to the Ministry of Transportation, Bell Canada, Hydro One, Ministry of Natural Resources and Public Works & Government Services, Ontario Region.
8. The municipality shall publish the required notice of the municipality's intent to close the road allowance in a local newspaper for four consecutive weeks. In addition, notices of the proposed closure shall also be sent to the applicant and to the property owners abutting the applicants' property.
9. After the four week notice period has expired, the Council shall hold a Public Meeting, at which time Council will hear any person who claims that their land will be prejudicially affected by the by-law and who has applied to be heard.
10. The by-law shall then be taken to a regular council meeting for passage.
11. Once the by-law has been passed, the township's solicitor will be asked to prepare the deed for the conveyance of the road allowance from the municipality to the applicant, in the name or names as they appear on the deed to the abutting property, and to register same.
12. The Applicant(s) shall pay all costs of the Municipality pertaining to the application and processing of same, including administrative, legal fees and disbursements, survey and GST on all of the foregoing prior to the issuance of a deed.

Please Note: Submissions received in conjunction with this application, either orally or in writing may become part of the public record.

Application for Closure of Road Allowance:

Township of Killaloe, Hagarty and Richards

1. Name of Property Owner(s)(Applicant):

Telephone Number: Home _____ Work _____

Mailing Address: _____

911 Address of property presently owned by Applicant(s):

2. Description of land presently owned by the Applicant(s):

Lot(s) No. _____ Concession No. (Plan) _____

Frontage: _____ Depth: _____

Area: _____

Please attach copy of deed.

3. Is the road allowance to be closed serving as access for other properties?

Yes: _____ No: _____

If yes, attach:

- (a) Letter of release from affected owners agreeing to an alternate access, such access to be provided by the applicant(s).
- (b) A description of the alternate access.

Application for Closure of Road Allowance

Township of Killaloe, Hagarty and Richards

I hereby offer to purchase from the Municipality of the Township of Killaloe, Hagarty and Richards the road allowance described in my application hereto attached.

The purchase price shall be \$5.00 per linear foot, plus GST.

I/We acknowledge that the transfer of these lands are conditional upon the closure of the road allowance.

I/We acknowledge and understand that the boundaries shown on the sketch hereto attached and forming part of this application, are tentative boundaries, and I understand that the final boundaries shall be determined by a qualified Ontario Land Surveyor.

I/We hereby agree to pay all legal, administrative and survey costs associated with the closure and disposition of the road allowance herein applied for.

A non-refundable administration fee of \$250.00 is enclosed herewith.

I/We, _____ of the _____
(applicant(s)) (city, town, township)

of _____ in the County/District/Regional

Municipality of _____, solemnly declare that all the

statements contained in this application are true, and I/we make this solemn declaration

conscientiously believing it to be true, and knowing that it is of the same force and effect

as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the _____) _____
Applicant

of _____ in the _____) _____
Applicant

of _____ this _____ day of

_____, 20 .

Witness