

**The Corporation of the Township of Minden Hills**

**Policy No. 26, As Amended**

**Being a policy to establish the fees,  
costs and certain procedures for an application  
to close and convey portions  
of Municipal Road Allowances, which are  
not Original Shoreline (Marine) Road Allowances.**

**WHEREAS**, Council adopted Policy No. 26, a policy for the stopping up, closing and sale of Municipal Road Allowances which are not Original Shoreline (Marine) Road Allowances, on February 27, 2002;

**AND WHEREAS**, Council deems it expedient to adopt a policy outlining the procedure and fees with respect to the stopping up, closing and sale of the above noted types of road allowances;

**AND WHEREAS**, Council shall only deem it expedient to stop up, close and sell the above noted types of road allowances, when in the view of Council the said road allowance, or portion thereof, is deemed not to be viable for the present or future provision of public access to any water body it may lead to or abut.

**NOW THEREFORE**, the Council of The Corporation of the Township of Minden Hills enacts as follows:

Section 1 – General Policy

1. The applicant should be advised, prior to accepting an application, that in accordance with Official Plan policies, the Township discourages the closing of road allowances that abut an Original Shore Road Allowance or lead to water.
2. In special circumstances, such as a road allowance crossing a peninsula with water on both sides, or where the road allowance has no present or foreseeable future Municipal use, Council may agree to close and convey road allowances leading to the Original Shore Road Allowance or water.
3. The Municipality will not consider the closure and conveyance of any road allowance, or portion thereof, which would deprive any property owner of ingress or egress to their lands or if the closure conflicts with Township by-laws or procedures.
4. Road allowances may not be closed where they abut or provide access to significant fish spawning areas, wildlife habitat, or other environmentally significant features, or contain significant historical, cultural, or recreational features.

5. The applicant should be made aware that if the Township should agree to close and sell a road allowance, that the opposite abutting landowners have first entitlement to  $\frac{1}{2}$  of the road allowance or 33 feet; however, if one owner should indicate that he/she is not interested in acquiring their portion of the road allowance, the entire 66 feet could be sold to the applicant.
6. Final approval of the required by-law will not be given until the realty taxes on the applicant's property are paid in full.

## Section 2 - Procedure

1. An applicant wishing to purchase a road allowance, which is not an original shoreline road allowance, shall submit an application with a deposit to the Municipality to commence the process. Included in this initial deposit amount is:
  - a) The Municipality's administration fee and cost deposit as per Schedule "A" of the Tariff of Fees for the processing of planning applications and sale of original shore road allowance and original road allowance applications By-Law.
  - b) A deposit toward the cost of the necessary appraisal to establish the land purchase price.

The application shall include a proper legal description with accompanying survey plan or sketch showing the portion of the road allowance to be closed and conveyed. The Township opens the file.

2. A report is prepared by Township Planning Staff and the application is presented to Committee of the Whole/General Committee for preliminary planning consultation. If the application is denied at this point all of the initial deposit, save and except the \$150.00 planning consultation fee, will be refunded and the file will be closed.
3. Based on the recommendation of the Committee of the Whole/General Committee, the application is approved/rejected by Council.
4. If the application is approved in step 3 above, the Municipality arranges for the appraisal on the applicant's behalf. The total cost of the appraisal is the responsibility of the applicant.
  - a) The Municipality shall charge against the deposit referred to in step 1 above all costs related to the processing of the application, including photocopying, postage, long distance telephone charges, advertising, appraisal and any other costs which may be incurred by the Municipality in connection with the processing of the application;

- b) If Council rejects the application at any point after step 3 above, a refund of the initial deposit, save and except the administration fee and any costs which may have been incurred by the Municipality on the applicant's behalf, shall be made to the applicant. If the administration fee and the incurred costs exceed the initial deposit, the applicant shall be responsible for all additional costs.
5. One half of the road allowance is offered to the abutting owner on each side, pursuant to the *Municipal Act*. The Municipality asks each abutting owner if he/she wishes to purchase the half abutting their lands. If one abutting owner advises in writing that he/she is not interested in purchasing their respective half of the road allowance, the entire width of road allowance may be offered to the other abutting owner. This does not apply in the case of a road allowance if the Crown or a government agency is the second abutting owner.
  6. If the application is approved by Council in Step 4 above, the applicant contacts an Ontario Land Surveyor and arranges to have a preliminary plan prepared and submits six (6) copies of the preliminary plan to the Municipality. The preliminary plan shall show the location of all buildings and structures on the portion of the road allowance to be closed and conveyed.
  7. The Municipality notifies the public and the neighbouring property owners of the proposed closing through mailings to abutting owners and advertising for two (2) consecutive weeks in the local newspaper. This notification is required by regulations in the *Municipal Act*.
  8. The Municipality notifies, and obtains the necessary approvals from, any affected parties including but not limited to: County Council, Township Clerk, Township Public Works Superintendent, the Department of Public Works, Bell Canada and Ontario Hydro. This step can be carried out at the same time as step 9 above.
  9. Council reviews any objections it may receive. If, in Council's opinion, there are no valid objections, the process is continued.
  10. If an applicant's property abuts a Municipally owned and maintained roadway, a deeding of land to the Township for a right-of-way a minimum of thirty-three (33) feet in width from the centre line of the travelled portion of the road, for future roads' purposes, will be required. This will be at the applicant's expense.
  11. Where the Municipality does not have title to any existing public road abutting or passing through, over and upon the lot whose owner is requesting closure and sale, the Municipality will require the applicant to provide, at his/her own expense, a deed to the Municipality containing a registrable description and a survey for any portion of that parcel of land which measures a minimum of thirty-three (33) feet in perpendicular width on either side of the centre line of the

existing Township road to which the said applicant holds the fee, prior to the closure and sale of the portion of the road allowance requested by the applicant.

12. If there are buildings on the road allowance to be purchased from the Municipality, and while the Municipality is conducting the required notification, the landowner arranges for the following inspections:
  - a) An inspection of the buildings by the Municipal Building Inspector.
  - b) An inspection of the septic system by the local Health Unit.

A written report must be submitted to the Municipality prior to the passing of the by-law. The Municipality may require removal, or repair to Ontario Building Code standards, of substandard buildings, and/or upgrading of the septic system prior to the completion of the sale.

13. If there are no legitimate objections, the by-law is enacted by Council. If the road allowance is to be joined in title to a lot on a plan of subdivision, an application for a deeming by-law is required pursuant to Section 50(4) of the Planning Act R.S.O., 1990 c.P.13. A property consolidation agreement will be needed in cases where a natural severance would allow the applicant to sell part of the new total holdings separately without such an agreement.
14. The Municipality arranges for the preparation and registration of the deeds (using the Municipality's solicitor), the necessary enabling by-laws, the deeming by-law (where required) and the collection of the balance of costs.
15. This policy shall take effect on July 1, 2003.

Adopted, as amended, by Council this 24<sup>th</sup> day of April, 2003.

  
\_\_\_\_\_  
Ross Rigney, Reeve

  
\_\_\_\_\_  
Gerry Morrison, CAO/Clerk

## **TYPICAL COSTS**

Typical costs associated with these transactions are:

- Land Purchase Price                      Established by appraisal
- Appraisal                                      As determined by Appraiser
- Municipal Administration                As per Schedule "A" of the Tariff of Fees for the processing of planning applications and sale of original shore road allowance and original road allowance applications By-Law
  
- Advertising                                  As billed by The Times
- Legal Fees                                      As billed by lawyer
- Survey Costs                                  As determined by the surveyor

## **NOTES**

- Questions concerning the purchase of Municipal Road Allowances should be directed to the Municipal Planning Department at (705) 286-1541.
- The applicant is responsible for all costs incurred by the Municipality. The costs set out above are estimates, and are provided for information purposes only. The application will not proceed without payment of the required deposits.
- The applicant is responsible for making all arrangements for the survey with an Ontario Land Surveyor of their choice. All costs associated with the survey are to be paid directly to the surveyor.