



Township of Algonquin Highlands

Policies and Procedures Manual Shore Road Allowance Closing Policy

Schedule "A"

Approved by By-Law Number: 2020-8

PURPOSE

To establish the fees, costs and procedures for an application to purchase portions of the original shore road allowance.

POLICY – General Provisions

- a) The Township's solicitor shall act on behalf of the Township on behalf of the closure and conveyance of all shore road allowances.
- b) The applicant is responsible for paying all administrative, legal, surveying advertising and land acquisition costs involved in the shore road allowance closing. In the event that the applicant fails to pay the costs incurred within six months of Council passing the by-law, all outstanding costs will be added to the tax roll and collected in the same manner as taxes pursuant to Section 389 of the *Municipal Act*, 2001, S.O. 2001, as amended.
- c) The land acquisition costs are calculated at a cost per square foot, plus HST, as set in the in the Fees and Charges By-law, of the shore road allowance as determined by the Reference Plan.
- d) Applications will be considered terminated if inactive for a period of one year.
- e) Applicants should allow one year to complete the purchase of the shore road allowance. The completion time may increase should easements be required or complications occur during the process.

SHORE ROAD ALLOWANCE

- a) Applicants must own property directly abutting the original shore road allowance. The Township will only convey to the adjacent landowner the portion of the shore road allowance above the controlled or normal high water mark.
- b) Applications will not be approved if the closure is deemed:
 - i) to have a negative impact on neighbouring owners of land; or
 - ii) other land owners may be deprived of the sole vehicular access to their property; or

- iii) closure will result in conflicts with Township Official Plan policies, by-law regulations or procedures
- c) Generally the portion of the shore road allowance to be closed and conveyed will be determined by straight lot line projections. As a result of the irregular nature of the shoreline, deviations from straight extensions of existing lot lines may be considered and may be required by the Township in these cases.

APPLICATION PROCESS

- a) Applicant completes and submits the Application for Shore Road Allowance Closing, attached to this policy as Attachment A. A sketch, or survey if available, must be attached to the Application showing the property and proposed portion of the shore road allowance to be closed.
 - i) A deposit in accordance with the Fees and Charges By-law shall be submitted towards advertising, legal, and administration fees. A portions of the above deposit shall be non-refundable. Note: If the fees related to the processing of the closure are in excess of the deposit the applicant shall be responsible for all additional costs.
 - ii) Should the application be withdrawn or denied by Council the applicant will be refunded the balance of the deposit and a portion of the administrative fee in accordance with the following:
 - A. 75% where administrative functions only have been performed;
 - B. 50% where the application has appeared before 1 Council meeting; and,
 - C. 0% where the application has appeared before 2 Council meetings.
- b) Planner receives Application plus deposit and directs to Council for consideration. Planner notifies the applicant of Council's decision.
- c) If the application is approved by Council the applicant shall submit the following:
 - i) One electronic copy of the preliminary draft survey and four hard copies, prepared by a Ontario Land Surveyor, of the subject allowance showing all buildings. Draft Plan to be approved by the Township.
Note: The applicant is responsible for making arrangements for the survey with an Ontario Land Surveyor. All costs associated with the survey are the responsibility of the applicant and are to be paid directly to the surveyor.
 - ii) A letter showing willingness to be responsible for all legal costs and any additional costs to the Township in the processing of the application and by-law.
 - iii) Copy of existing deed of property owned by the applicant(s) which abuts the subject allowance.

- iv) Planner advises the surveyor of approval of draft plan of survey. The structures may be removed from the reference plan once the Township has reviewed and approved the Reference Plan.
- d) Upon receipt of the all the required items in above Section c) the Planner shall forward all documents to the Township solicitor.
- e) The Township solicitor shall circulate the draft reference plan to Bell Canada, Hydro One Networks Inc. and Public Works & Government Services to receive their consent to the closing of the shore road allowance.
- f) The Township solicitor shall prepare, and forward to the Planner, the Public Notice which shall be published for one week in the local newspaper as determined by the Planner, published on the Township website and circulated to abutting land owners.
- g) If there are no legitimate and reasonable objections received, and the By-law is approved, the Township will provide, to the applicant the cost of the land, plus HST.
- h) Once payment of land has been received the Planner shall forward the documents to the Township's solicitor for deed preparation. The deeds will be delivered to the applicant upon receipt of all applicable outstanding costs.

Note: Savings may be realized if abutting owners apply jointly. The advertising fee and administration fee would be a shared cost.



Attachment A
APPLICATION FOR SHORE ROAD ALLOWANCE CLOSING
Pursuant to the Municipal Act, 2001, S.O. 2001, as Amended

Please Print

Name of Applicant (s): _____

Home Address: _____

Phone Number: (____) _____ (____) _____ (____) _____
Home Cottage Cell

Name of authorized Agent, if any: _____
(must be in writing)

Address: _____

Phone Number of agent: (____) _____

Property Information:

Ward _____ Concession(s) _____ Lots(s) _____ Plan # _____

Lake _____ Property Roll # _____

Is your land adjacent to this Shore Road Allowance? Yes No

Access is by: Private Road Public Maintained Road Water Access

Brief Reason why you wish to purchase the Shore Road Allowance:

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I acknowledge that by purchasing the Original Shoreline Road Allowance, it does not permit construction or alteration of any kind of structure, or shoreline improvements on the shoreline allowance or shoreline alterations without obtaining all applicable approvals. The Township of Algonquin Highlands zoning by-law requirements must be complied with.

Applicant(s) signature: _____

Dated _____ this _____ of _____ .
Day Month Year

I/We, _____, being the registered owner(s) of the lands subject of this application and, for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I/we hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Municipal Act or Planning Act (whichever Act applies) for the purposes of processing this application. **NOTE: All registered owners of the property must sign the Application for Shore Road Allowance Closing.**