

CORPORATION OF THE TOWNSHIP OF MCDOUGALL
SCHEDULE “B” TO BY-LAW 2020-29

Application to Close and Convey Road Allowances/Shore Road Allowances

EXPLANATION: Municipal Council is prepared to consider applications to close and convey unopened road allowances/shore road allowances. This involves a number of legal procedures and expenses, and it is the policy of the Municipal Council that the Applicants for such road closing and conveyances should be responsible for these costs, not the general ratepayer, even in cases where, after some expenditures have been made, valid objections bar the sale.

PROCEDURES: Although the following list of procedures is not exhaustive, it will give the applicant some insight as to the steps which must be considered.

- 1. Completion and filing of Application, accompanied by preliminary survey or sketch.**
 - a) To be filed with the Municipal Clerk.
 - b) Application fee - \$250.00
- 2. Consideration of Application by Council.**
 - a) Council may impose any condition upon the sale and transfer of the closed road allowance that it considers necessary and appropriate.
 - b) Council may choose not to stop up, close and sell all or part of a shore road allowance;
 - i) that is adjacent to environmental or other natural features. In Council’s opinion the road allowance is used for Public access or Municipal purposes or has the potential for Public or Municipal use in the future.
 - ii) The abutting neighbours are not in agreement for a legitimate reason with the mutual boundary or the privatization of the shore road allowance as determined by Council.
- 3. Applicant to order Surveyors Reference plan.**
 - a) Draft Reference Plan, and survey showing the location of all existing structures on the shore road allowance to be sent to the Municipality for consideration (if not submitted with preliminary application).
 - b) Consent and sign-off on the draft plan of the abutting owner(s) as to where the lot lines extent to the water’s edge.
 - c) If approved, Plan to be registered in Registry Office in Parry Sound.
- 4. Engaging of Municipal Solicitor to:**
 - a) Obtain clearances from Federal Government, Ontario Hydro, and Bell Canada.
 - b) Do sub-searches – or ownership in Registry Office.
 - c) Prepare a by-law.
 - d) Prepare notices.
- 5. Council meeting.**

To afford the public the opportunity to provide written objections and/or appear before Council and make representation to object/support to the closing of the road allowance.

If no objections, passage of By-law

6. Preparation of final invoice. Preparation of Deeds.

- a) Sub-search before registration.
- b) Registration of deeds.

7. Merger/Consolidation of Road Allowance/Shore Road Allowance and Abutting Lands

The applicant will take all steps/actions required by the Municipality to effect a merger of the acquired lands with the Applicant’s abutting lands. The applicant may be required to deem their lands not to be within a Plan of subdivision to effect the merger. Where a legal merger will not be obtained the applicant may be required to consolidate the acquired lands with their abutting lands into one parcel register. The applicant shall be responsible for all costs incurred by the Municipality concerning the merger/consolidation process.

8. Closing of file.

EXPENSES: While it is not possible to anticipate the exact costs involved, the following is provided as a guideline. Expenses will vary with the complexity of the shore road allowance closing.

APPLICATION FEE: (Per single application) \$250.00

An additional charge of \$100.00 for each additional application in a group to a maximum of ten. All applications should be submitted together as one package.

ADVERTISING: \$1,000.00

PURCHASE PRICE: Calculated @ \$50.00 per frontage meter on inland shore road allowance closing’s and @ \$75.00 per frontage meter on Georgian Bay shore road allowance closing’s. On road allowance closing, a fair market value will be obtained by an appraiser having a minimum Canadian Residential Appraiser (CRA) designation.

LEGAL AND REGISTRATION FEES:

Estimated per lot (single application) \$2,000.00

Each additional closing in an application \$ 400.00

(Group fees totaled and divided evenly amongst applicants)

The applicant must also consider the cost of the preparation of a Reference Plan. Estimates should be obtained from an Ontario Land Surveyor.

COMMENT

From the commencement of the Application until the registration of the deed could involve a period of approximately nine to twelve months. One of the keys to this is the speed at which the Applicant delivers to the Municipality the required information. The largest single item is the survey, which cannot be finalized until Council sees and approves the proposed division lines. Council recognizes that a division line requested by one party could interfere with the adjacent neighbour. Approval of the abutting owner as to where the lot lines extent to the water’s edge, will be required.

In the event the applicant fails to receive the signature of the abutting property owners, the proceeding of the application will be at the discretion of Council.

Several consecutive shore road allowance closings may be dealt with in one by-law. One reference plan may be used in this case, thereby reducing each individual’s cost. Before Council can finally enact a by-law, a notice must be published in a local paper, on the Municipal Web Site, and in the Municipal Office for four (4) consecutive weeks.

APPLICATION TO CLOSE AND CONVEY ROAD ALLOWANCES/SHORE ROAD ALLOWANCES

The undersigned hereby files with the Municipality a fee in the amount of \$250.00 and hereby makes application for a closing on the unopened shore road allowance/road allowance in front of the property of the undersigned, the particulars of which are as follows:

1. Name in full of Applicant(s):

Owner 1: _____ Birthdate: _____
DD/MM/YY

Owner 2: _____ Birthdate: _____
DD/MM/YY

2. Address of Applicant(s):

Owner 1: _____

Owner 2: _____

3. Telephone: : _____
Owner 1: _____ Owner 2: _____

4. E-Mail: : _____
Owner 1: _____ Owner 2: _____

5. Full details of the manner in which the land of the applicant is registered. (Forward copy of deed).

6. Description of Lot and Plan where located:

Include a diagram showing the boundaries of the shoreline allowance that will be in effect after the conveyance and the boundaries of adjacent property owned by others. Structure locations must be shown. This may be a draft survey plan prepared by a surveyor or a sketch in sufficient detail to determine what lane the application refers to and where the lot lines are to project. DO NOT REGISTER any draft survey plan prior to the Municipality's approval.

7. Are there any mortgages against your property? _____
If so, forward copy of mortgage.

I/WE ACKNOWLEDGE that I/we have read the explanation associated with the Municipality of McDougall's Application to Close and Convey Road Allowances/Shore Road Allowances, and submit the application fee in the amount of \$250.00 for consideration of this application by Council.

I/WE FURTHER AGREE that on approval in principle by the Municipality we shall forward to the Municipality the deposits requested by the Clerk, and to pay any balance or outstanding sums owing to the Municipality prior to the delivery of the deed to me/us.

I/WE ALSO UNDERTAKE to order a survey and to make sure that the survey is not registered until the proposed division lines have been approved by Municipal Council.

Dated at _____ this _____ day of _____ 20____

Signed:

Witness:

Please address correspondence to: _____

OR to my personal solicitor:

Name: _____ Address: _____

Telephone (_____) _____

AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf. If the Applicant is not the Owner of the subject land of this Application, the written authorization set out below of the Owner stating that the Agent is authorized to make the Application on their behalf must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), _____ the undersigned, Registered Owner(s) being the Registered Owner(s) of the subject land, hereby authorize _____ to act as my Agent with respect to the Agent preparation and submission of this Application.

Signature of Owner

Date

Signature of Owner

Date

FREEDOM OF INFORMATION AND PRIVACY

The applicant acknowledges that the Municipality of McDougall considers the applications forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With filing of an application, the applicant consents to the Municipality photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of the acknowledgement.

Signature of Owner 1

Date

Signature of Owner 2

Date

Signature of Witness

Date

DECLARATION OF OWNER/AGENT

Must be signed by the (Owner(s)/Agent) in the presence of a Commissioner.

I _____ Owner(s)/Agent of the _____ of _____
_____ in the County/District/Municipality of _____

Do solemnly declare that all of the statements contained in this application are true and I 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 any by virtue of the Canada Evidence Act.

Declared before me at _____ in the _____
_____ of _____ this _____ day of _____
_____, 20 _____

Signature of Owner/Agent

Date

Signature of Commissioner

Commissioners Stamp

Please submit the following documentation with your application:

- A copy of your deed
- Include a detailed site sketch of your property
- A copy of your mortgage (if applicable) (as referred to Section # 7)
- Detailed directions to your property

**THE CORPORATION OF THE TOWNSHIP OF MCDOUGALL CONSENT TO
PROPERTY LINE EXTENSIONS
ON PROPOSED SHORE ROAD ALLOWANCE CLOSINGS**

THE UNDERSIGNED, being abutting property owners to the Applicants to the Municipality of McDougall to close a Shore Road Allowance in front of their lands, hereby consent to the proposed extension of the lot lines across the said Road Allowance to be closed, as set out in a draft plan prepared by, _____ Ontario Land Surveyor, and dated the:

_____ day of _____, 20_____

Dated this _____ day of _____, 20_____

Owners of Property North/East

Owners of Property South/West

Name and Signature of Owners

Name and Signatures of Owners

**CONSENT TO PROPERTY LINE EXTENSIONS ON PROPOSED ROAD
ALLOWANCE CLOSINGS**

THE UNDERSIGNED, being abutting property owners to the Applicants to the Municipality of McDougall to close a Road Allowance, hereby consent to the proposed lot lines of the said Road Allowance to be closed, as set out in a draft plan prepared by, _____ Ontario Land Surveyor, and dated the:

_____ day of _____, 20_____

Dated this _____ day of _____, 20_____

Owners of Property North/East

Owners of Property South/West

Name and Signature of Owners

Name and Signatures of Owners