INCORPORATED VILLAGE OF HILTON BEACH
Policies and Procedures Manual

Village Shore /Road Allowance Closing Policy
Schedule "A"[11]

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 Village's solicitor shall act on behalf of the Village 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 $ 4.00 per square foot 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 Village will only convey to the adjacent landowner the portion of the shore /road allowance above the controlled or normal high water mark or portion of road owned by the Village.

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 perpendicular to the shore lot line projections of existing lot lines. All lot tine extensions will require sign off and approval by the abutting landowner.

d) The shore/road allowance is to be joined in title to a lot .

PROCEDURE

a) Applicant completes and submits the Application for Shore/Road Allowance Closing, attached to this policy as Attachment A A sketch or survey, must be attached to the Application showing the property and proposed portion of the shore road allowance to be closed.
   i) A non-refundable application fee must accompany the application ($300.00)
   ii) All owners must sign the application
   iii) On a separate schedule, please provide the dates of birth for all applicants as this is required upon registration of the deeds

b) Clerk receives Application and directs to Council for consideration. Clerk notifies the applicant of Council's decision.

c) The Clerk shall give thirty days written notice to the adjoining landowners to provide written comments on the proposed sale and closure. If no written comments are received within 30 days of the Notice, the closure will proceed.

d) If the application is approved by Council the applicant shall submit the following:
   i} A preliminary draft survey, prepared by an Ontario Land Surveyor, of the subject allowance showing all buildings. Measurements from lot lines and structures must be included. Draft Plan to be approved by the Village. **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) The required **$900.00** deposit towards advertising and legal fees involved in the laneway/ road allowance closing. 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.

   iii) A letter showing willingness to be responsible for all legal costs and any additional costs to the Village in the processing of the application and by-law.

   iv) Copy of existing deed of property owned by the applicant(s) which abuts the subject allowance.

   v) Clerk advises the surveyor of approval of draft plan of survey. The structures may be removed from the reference plan once the Village has reviewed and approved the Reference Plan.

e) Applicants surveyor to submit five paper copies of the Registered Survey and one 8 ½ x 14 legal size digital copy of the registered survey to the Clerk;

f) Upon receipt of the required documents the Clerk shall notify Bell Canada, Hydro One and Public Works Canada of the intention to pass the by-law to stop-up, close and convey part of the original shore road allowance.

g) Once comments have been received from the above noted agencies Notice of Public Meeting to consider the proposed by-law is posted at the Municipal Office and also advertised for one week in the local newspaper.

h) At the Public Meeting Council will hear anyone appearing to support or object to the by-law. Council subsequently passes or does not pass the By-law. If there are not legitimate and reasonable objections the By-law will be approved.

i) The Clerk shall forward the documents to the Village's solicitor for deed preparation. The landowner will be contacted by the Village's solicitor when the deeds are complete.

j) Any additional fees will be billed by the municipality to the landowner for reimbursement. If fees are not paid, the costs will be added to the tax roll of the subject property and treated like taxes.

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