

## ORIGINAL SHORE ROAD ALLOWANCE CLOSING PROCEDURES

### General Policy:

1.
  - (a) Application by owner(s) shall be directed to the Planning Department of the Town of Gravenhurst, along with a **non-refundable** application fee of \$576.40 per lot. The application should set out the applicant's legal description to his/her property and provide seven (7) sketch plans showing the property and the portion of the Original Shore Road Allowance requested to be closed.
  - (b) The applicant shall provide a location plan indicating existing and proposed structures on the property (including the shore road allowance) and setbacks (dimensions) for all structures.
  - (c) In order to illustrate which portion of the Original Shore Road Allowance the applicant intends to close, it should be noted that it is the Town's normal procedure to close that portion of the Original Shore Road Allowance that lies between the side lot lines, when extended out, in a parallel manner, from the inner limit of the Original Shore Road Allowance, to the Normal or Controlled High Water Mark.
  - (d) At the Town's discretion, the file will be closed if the file is inactive in excess of one year after approval of the closure by Council Resolution.
2.
  - (a) Following the receipt of the complete application as noted in 1(b) above, the application will be forwarded to the Town's solicitor (Mr. James W. Cruickshank). All correspondence with reference to the application shall then be directed to the Town's solicitor.
  - (b) The Town's solicitor shall circulate letters to the various agencies that are likely to have an interest in the application, for the purpose of obtaining their approval or comments.
  - (c) Following the receipt of all comments, the Town's solicitor shall advise the applicant(s) a survey (Reference Plan) will be required at the expense of the applicant(s). Said survey shall include all of the Original Shore Road Allowance, and must differentiate by Part numbers, that portion of the Original Shore Road Allowance lying **above** and **below** the normal or Controlled High Water Mark.

**NOTE:** Section B.4.5.1 (d) of the Gravenhurst Official Plan as amended states "only the portion of the road allowance above the controlled or normal high water mark is conveyed out of the public ownership."

Moreover, Council will **not** close any Original Shore Road Allowance where there is a public road between the applicant's property and the Original Shore Road Allowance.

3. (a) The applicant(s) shall forward seven (7) copies of the registered plan of survey (Reference Plan) to the Town's solicitor.
- (b) The applicant's surveyor shall determine the frontage (measured in a linear manner along the normal or controlled high water mark) of the Original Shore Road Allowance to be closed for the purposes of calculating the frontage charge.
4. (a) The Town's solicitor shall request payment of his fees for processing the application(s) (Single application: \$800.00; Group applications, \$600.00 each applicant and properties must be side by side), and for any incurred disbursements (i.e. registering deed and by-law, land transfer tax, levy, etc.; estimated at approximately \$400.00 for individual applications) and cost of advertising (estimated at approximately \$600.00 for single notice for 2 weeks. The solicitor's fees as noted above are approximates only and will depend on the complexity of the application.
- (b) The above fees are approximates only since the cost of disbursements is subject to change and all fees may vary over time. Responsibility is with the applicant to pay for the solicitor's disbursements, i.e. registration of documents, subsearching, etc. over and above the advertisement costs. All fees and majority of disbursements are subject to H.S.T.
- (c) The solicitor will require an initial \$1,000.00 towards the advertisement costs and disbursements.

**Note:** Attempts should be made to have landowners band together and approach the municipality as a group to have the Original Shore Road Allowance closed abutting their lands, as it would be more economical and efficient to do so. The banding together of landowners may result in survey costs being reduced through cost sharing as well as legal fees if only one sketch is submitted.

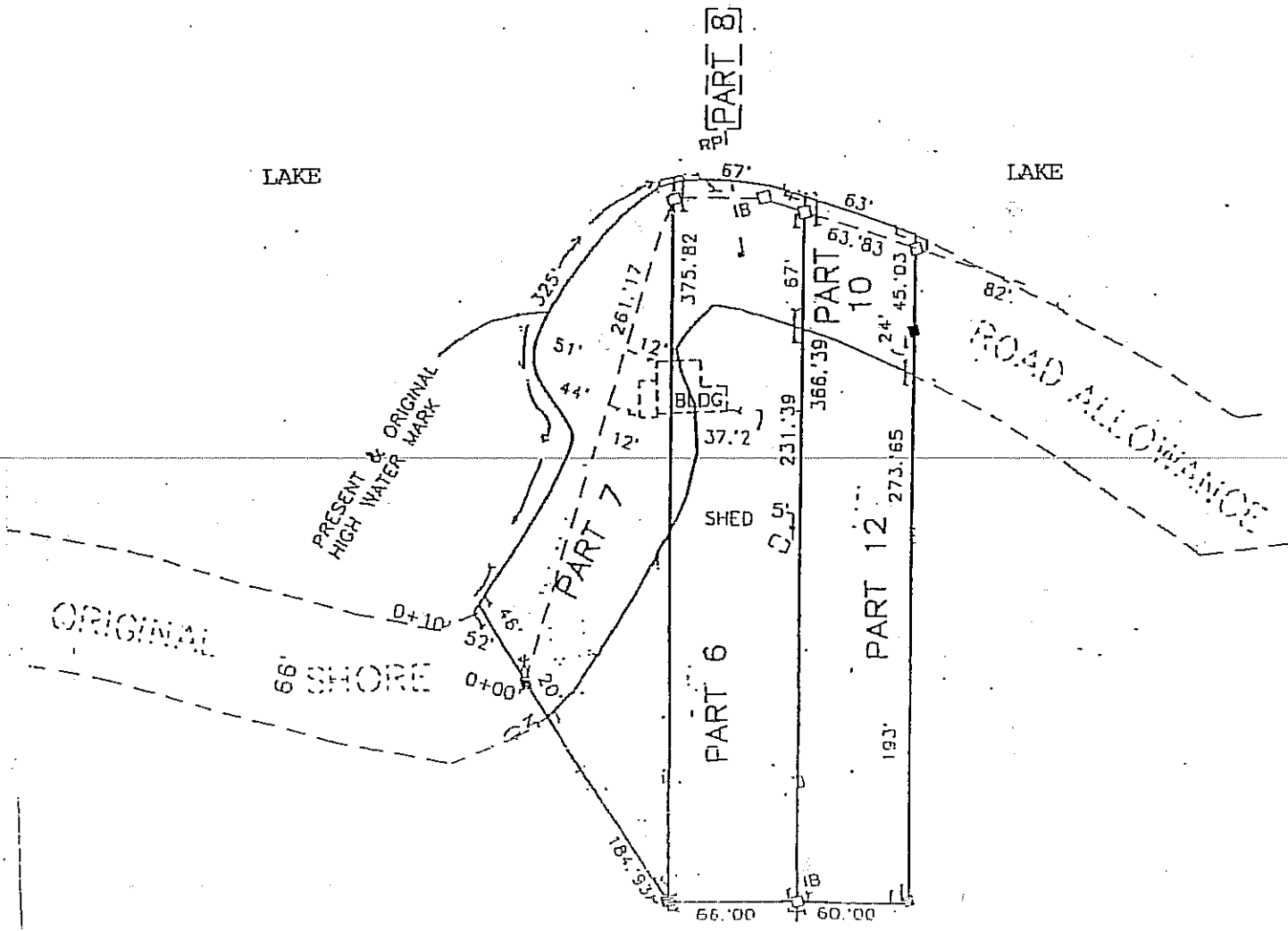
5. (a) Upon receipt of the survey plans and the fees as noted in 3(a) and 4 above, the Town's solicitor shall prepare the necessary Notice for publication in local newspapers.
- (b) The Town's solicitor will request the consideration to be paid to the Town of Gravenhurst. The applicant shall purchase that portion of the Original Shore Road Allowance to be closed at the price of \$46.20 per running foot (\$151.54 per running metre) based upon the surveyor's calculation. Fees are subject to H.S.T.
- (c) The Notice as described in 4(a) above shall be published at least once a week for four consecutive weeks in the local newspaper(s).

- 6. (a) Following the final publication of the Notice as described in 4(c) above, and receipt of the consideration for the lands, the Town's solicitor shall prepare a Road Closing By-law and forward it to Council for their consideration.
- (b) The Town's solicitor will forward six (6) copies of the By-law (if approved), Affidavit of the Clerk, Petition, and any other required documentation to the Ministry of Municipal Affairs for approval.
- 7. (a) The Town's solicitor shall prepare a deed and deliver same to the applicant(s).

SAMPLE SKETCH AND SAMPLE CALCULATION

Application is to close O.S.R.A. being Part 7 and Part 8 shown below. Calculation of consideration payable to the Town would be \$18,110.00 made up as follows (plus H.S.T.):

Part 7:	325 feet frontage x \$46.20 per running foot =	\$15,015
Part 8:	67 feet frontage x \$46.20 per running foot =	\$ 3,095
	TOTAL:	\$18,110



**PLANNING REQUIREMENTS (RELATED APPLICATIONS)**

1. Original Shore Road Allowances abutting Lots on a Registered Plan of Subdivision.
  - (a) When an Original Shore Road Allowance is closed and deeded to the owner of an abutting Lot on a Registered Plan of Subdivision, the Original Shore Road Allowance will not merge with the abutting Lot, as Lots on a Plan of Subdivision always remain separately conveyable in accordance with the provisions of Section 50(3) of the Planning Act, R.S.O., 1990, Chapter P.13. In order to merge the two parcels of land, the closed portion of the Original Shore Road Allowance and the abutting Lot, a deeming By-law must be passed by Council. The purpose of a deeming By-law is to "deem" the Lot not to be part of a Registered Plan of Subdivision.
  - (b) Application forms and information may be obtained from the Planning Department.
2. Legal Non-Conforming Lots (Undersized, Existing Lots of Record)
  - (a) When an Original Shore Road Allowance is closed and merged with an abutting Legal Non-Conforming Lot, the new lot created as a result of the closure, shall be deemed to comply with the minimum lot area and lot frontage requirements of By-law 94-54 under Section 5.15.



**APPLICATION FOR:**

**ORIGINAL SHORE ROAD CLOSURE** \_\_\_\_\_ **UNOPENED ROAD ALLOWANCE CLOSURE** \_\_\_\_\_

FOR OFFICE USE ONLY:	DATE STAMP - RECEIVED
Application No. _____	
Roll No. _____	
Official Plan Designation: _____	
Zoning: _____	
Application Fee: _____	Receipt No. _____
Received by: _____	
Assigned to: _____	

**REGISTERED OWNER(S):**

Name(s): \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
\_\_\_\_\_ Date of Birth: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number(s): Home: \_\_\_\_\_ Business: \_\_\_\_\_  
Cottage: \_\_\_\_\_ Cell: \_\_\_\_\_

**LOT DESCRIPTION:**

Lot(s) \_\_\_\_\_ Concession \_\_\_\_\_ Former Township of \_\_\_\_\_  
Plan \_\_\_\_\_ Part(s)/Lot(s) \_\_\_\_\_ Water Body \_\_\_\_\_  
Municipal Address \_\_\_\_\_

Reason for Applying to Close Shore/Road Allowance \_\_\_\_\_

Dated: \_\_\_\_\_

Signature of Registered  
Owner or Agent: \_\_\_\_\_

**NAME AND MAILING ADDRESS OF ABUTTING PROPERTY OWNERS: (O.S.R.A. refers to owners of abutting property on each side of lot described above) (U.R.A. refers to owners of property abutting the opposite side of the unopened road allowance).**

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lot # \_\_\_\_\_

Lot # \_\_\_\_\_

This information has been collected in accordance with Sections 74(1) and 75(4) of the Municipal Act, R.S.O. 1990, Chapter M.45. This information is to be used solely for the purpose of administering this application. For further information, please contact the "Head" of the Institution at 3-5 Pineridge Gate, Gravenhurst, Ontario P1P 1Z3 (Office: Tel. (705) 687-3412 & Fax (705) 687-7016.

**CONSENT OF ABUTTING OWNER**

I/We, the undersigned, being the registered owner(s) of Part of Lot \_\_\_\_\_, Concession \_\_\_\_\_, in the former Township of \_\_\_\_\_, now in the Town of Gravenhurst, District Municipality of Muskoka; being Part/Lot \_\_\_\_\_, Plan \_\_\_\_\_, have no objection to the closing of the Original Shore Road Allowance / Unopened Road Allowance, as shown on the attached sketch plan.

\_\_\_\_\_  
Registered Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Owner

\_\_\_\_\_  
Date

**CONSENT OF ABUTTING OWNER**

I/We, the undersigned, being the registered owner(s) of Part of Lot \_\_\_\_\_, Concession \_\_\_\_\_, in the former Township of \_\_\_\_\_, now in the Town of Gravenhurst, District Municipality of Muskoka; being Part/Lot \_\_\_\_\_, Plan \_\_\_\_\_, have no objection to the closing of the Original Shore Road Allowance / Unopened Road Allowance, as shown on the attached sketch plan.

\_\_\_\_\_  
Registered Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Owner

\_\_\_\_\_  
Date