

UNOPENED ROAD ALLOWANCE CLOSING PROCEDURES

General Policy:

1.
 - (a) Applicant should be advised prior to accepting an application that in accordance with Official Plan Policies, the Town discourages the closing of road allowances leading to water.
 - (b) Applicant should be made aware that if the Town should agree to close and sell a road allowance, that the opposite abutting landowners shall be contacted to determine whether they have an interest in 1/2 (33 feet) of the road allowance. If one owner should indicate that he/she is not interested in acquiring 1/2 of the abutting road allowance, the entire 66 feet could be sold to the applicant.
 - (c) 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. 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 original road allowance requested to be closed.
 - (d) The applicant shall provide a location plan indicating existing and proposed structures on the property (including the road allowance) and setbacks (dimensions) for all structures.
 - (e) At the Town's discretion, the file will be closed if inactive in excess of one year after approval of the road closure.
2.
 - (a) Following the receipt of the complete application as noted in 1.(c) 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, including those opposite abutting landowners noted in 1.(b) above.
 - (c) Town staff shall provide a copy of the assessment map and information from the assessment book on the roll numbers of the opposite abutting landowners to the Town Solicitor in order to facilitate contact with the opposite abutting landowners.

3. (a) The Town's solicitor will advise the applicant(s) that he/she is required to provide seven (7) copies of the registered plan of survey (Reference Plan) to the Town's Solicitor. The seven copies of survey (Reference Plan) to be provided, are at the expense of the applicant(s). This survey must differentiate by part number(s), the section(s) of road allowance;
- (b) The applicant's surveyor shall determine the area in square metres of Unopened Road Allowance to be closed for the purposes of calculating the consideration.
4. (a) The Town's solicitor will contact the applicant(s) and request:
 - (i) consideration (purchase price) payable to the Town of Gravenhurst, at a price of \$7.40 per square metres based upon the surveyor's calculation. This fee is subject to H.S.T. (*Please see NOTE below.*)
 - (ii) payment of his fees for processing the application (\$800.00 for individual applications) 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 4 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: Where consent of the Ministry of Municipal Affairs or where a Judge's Order must be obtained, fee may be increased.

Applicant will pay purchase price which is calculated at \$7.40 per square metre (plus H.S.T.) based on survey; **except:**

- *an opinion of value*, in a form acceptable to the municipality, shall be submitted, at the sole expense of the applicant, for all applications to close, stop up, and purchase *any portion of an Unopened Road Allowance that lies within 100 metres of a shoreline of a waterbody*; or
- *an opinion of value*, in a form acceptable to the municipality, shall be submitted, at the sole expense of the applicant, for all applications to close, stop up, and purchase *any portion of an Unopened Road Allowance that lies within the boundaries of the Primary Urban Area of Gravenhurst as identified in the Gravenhurst Official Plan, as amended*; or

- in the instance of a *dispute over the proposed purchase price* of the subject portion of the subject portion of Unopened Road Allowance, *an appraisal* may be obtained, at the expense of the party disputing the proposed purchase price, for the further consideration of Council.
5. (a) Upon receipt of the survey plan, consideration and fees as noted above, the Town's solicitor shall prepare the necessary Notice for publication in the local newspapers.
(b) The Notice as described in 5.(a) shall be published at least once a week for four consecutive weeks.
 6. Following the final publication of the Notice as described in 5.(a) and (b), the Town's solicitor shall prepare a Road Closing By-law and forward it to Council for their consideration.
 7. (a) Approval of The District Municipality of Muskoka is secured by the solicitor. In some cases, a Judge's Order may be required.
(b) The Town's Solicitor will prepare the necessary conveyance documents for execution by the Town prior to registration.
(c) The Town's Solicitor will forward a registered deed to the applicant.

PLANNING REQUIREMENTS (RELATED APPLICATIONS)

1. Unopened Road Allowances abutting Lots on a Registered Plan of Subdivision.
 - (a) When an Unopened Road Allowance is closed and deeded to the owner of an abutting Lot on a Registered Plan of Subdivision, the 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 Unopened 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 Unopened 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 OWNER ABUTTING SUBJECT ROAD ALLOWANCE

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 OWNER ABUTTING SUBJECT ROAD ALLOWANCE

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