

**CORPORATION OF THE TOWNSHIP OF PRINCE**

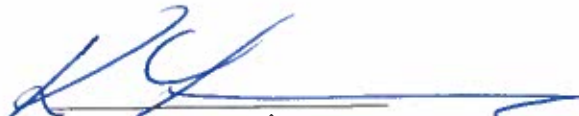
**BY-LAW NO. 2019-30**


Being a by-law to adopt a Municipal Shore Road  
Allowance Closing Policy, Procedures and Application

THE COUNCIL of the Corporation of the Township of Prince ENACTS as follows:

1. THAT the Council hereby adopts a Municipal Shore Road Allowance Closing Policy, Procedures and Application, as per Schedule A.
2. Schedule A form part of this by-law.

READ and passed in open Council this 8th day of October 2019.

  
Mayor K. Lamming

  
Clerk P. Greco

Seal

# Municipal Shore Road Allowance Closing Policy & Procedures

## 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 \$0.55 per square foot, plus HST, 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:
  - 1. to have a negative impact on neighbouring owners of land; or

2. other landowners may be deprived of the sole vehicular access to their property; or
3. 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.

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

c) If the application is approved by Council the applicant shall submit the following:

1. One electronic copy of the preliminary draft survey and four hard copies, prepared by an 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.
2. **A \$950.00 deposit shall be submitted towards advertising, legal, and administration fees. \$600.00 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.
3. 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.
4. Copy of existing deed of property owned by the applicant(s) which abuts the subject allowance.
5. Clerk 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 Clerk shall forward all documents to the Township solicitor.**

**e) The Township solicitor shall circulate the draft reference plan to Bell Canada, PUC, Enbridge Gas 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 Clerk, the Public Notice which shall be published in the township newsletter, published on the Township website and circulated to abutting landowners.**

**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 Clerk 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.**



# Road / Shore Road Allowance Closing Application

## Owner Information

Name of Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

## Property Description

Civic (911) Address: \_\_\_\_\_

Concession: \_\_\_\_\_ Lot: \_\_\_\_\_ Former Geographic Township: \_\_\_\_\_

Reference Plan: \_\_\_\_\_ Part(s): \_\_\_\_\_

Assessment Roll Number: 5700-000-000- \_\_\_\_\_ -0000

Was the land in its current form prior to the year of 1974? Yes  No

Date of Construction of all buildings and structures on the subject lands: \_\_\_\_\_

Length of time the existing uses of the subject property have continued (# of years, months):  
\_\_\_\_\_

Was the subject land ever part of a severance application, and if so, what is the application #:  
\_\_\_\_\_

Is the subject land a lot on a plan of subdivision, and if so, has the lot been deemed not to be a lot on a plan of subdivision by By-law # \_\_\_\_\_

## Requirements – Submitted herewith is the following

- i.) **Required Application Fee: \$950.00.**
- ii.) Letter with reasons for applying for the road / shore road allowance closure.
- iii.) Sketch of subject lands showing location of buildings / structures, including docks, boathouses, pump houses, wells, septic, etc.
- iv.) Location Map showing the property in relation to surrounding area.
- v.) Completed Lot Line Extension Authorization Form from the abutting property owners for shore road allowance closures or Completed Letter of Agreement from the abutting property owners for road allowance closures.

## Authorization

I/We \_\_\_\_\_ being the registered owner(s) of the lands described above, hereby apply to have the original road/shore road allowance abutting said property closed and hereby make oath and say as follows:

1. **I / We** confirm that **I / We** have read and understand the contents of “The Corporation of the Township of Prince Road / Shore Allowance Closure Policy and Procedures” and agree to abide by the same.
2. **I / We** acknowledge that, if this application to the Township of Prince is accepted, **I / We** will be responsible for all legal and survey costs and other related expenses involved in the road closing, and will be obliged to pay to the Municipality the rate as per the current User Fee By-law for the property, as established by Council.
3. **I / We** confirm that there is not foot or vehicular traffic that passes through the road allowance to be closed, and that access to no other property will be denied by virtue of the said road closing.
4. **I / We** confirm that there are no easements, either verbal or written, registered or unregistered, that apply to the said road allowance to be closed and that there are no utility services such as hydro, telephone, etc. that run through the said road allowance to be closed.
5. **I / We** confirm that if any utility plant is found to be on the road allowance, the Solicitor must take the necessary steps to ensure that an easement is granted to the appropriate authority.
6. **I / We** acknowledge that any approval that may be given to this application by the Township of Prince is subject to all other approvals being obtained for all other statutory bodies, failing which this application cannot be approved.
7. **I / We** acknowledge that Municipal Staff and / or Members of Council for the Township of Prince may wish to visit this site for the purposes of reviewing this application and I / We have no objection to their attendance on the property for this reason.
8. **I / We** 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 and virtue of the Canada Evidence Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Personal information on this form is collected under the authority of the Municipal Act, S.O. 2001, c.25, as amended. The information is collected for the purpose of processing this application, pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act. Questions should be directed to: Corporation of the Township of Prince, 3042 Second Line West, Prince Twp., Ontario, P6A 6K4, (705) 779-2992 ext.1 or [lorraine@twp.prince.on.ca](mailto:lorraine@twp.prince.on.ca)



# Lot Line Extension Authorization

## For closing original Shore Road Allowance

The Applicant \_\_\_\_\_, is the Owner of Part of Lot \_\_\_\_\_, Concession \_\_\_\_\_, Ward \_\_\_\_\_, in the Township of Prince.

I, \_\_\_\_\_, Owner(s) of abutting lands described as Part of Lot \_\_\_\_\_, Concession \_\_\_\_\_, Ward \_\_\_\_\_, in the Township of Prince do hereby consent to \_\_\_\_\_ purchasing that portion of the Original Shore Road Allowance lying adjacent to his/her property.

I, have reviewed and "initialed" or "signed" a sketch or survey presented by the adjoining property owner(s) which clearly shows the Applicant's property and the adjoining property and hereby agree to the proposed lot line extension as shown on the sketch/survey, appended hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

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# Letter of Agreement

## For closing original Road Allowance

The Applicant \_\_\_\_\_, is the Owner of Part of Lot \_\_\_\_\_, Concession \_\_\_\_\_, Ward \_\_\_\_\_, in the Township of Prince.

I, \_\_\_\_\_, Owner(s) of abutting lands described as Part of Lot \_\_\_\_\_, Concession \_\_\_\_\_, Ward \_\_\_\_\_, in the Township of Prince do hereby consent to \_\_\_\_\_ purchasing that portion of the Original Road Allowance lying adjacent to his/her property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

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## Agency Circulation List

### For Road and Shore Road Allowance Closings

(Responsibility of the Applicant's Lawyer)

#### Public Works and Government Services Canada Ontario Region

- 4900 Yonge Street, North York, ON M2N 6A6
- Attention: Regional Manager, Real Estate Services

#### Bell Canada

- Right of Way
- FI-2, 140 Bayfield Street, Barrie, Ontario L4M 3B1
- Tel: 1-866-484-6744
- Fax: 705-722-2263

#### Public Utilities Corporaton (include copy of survey)

- 500 Second Line West, Sault Ste. Marie, Ontario P6A 6P2
- Tel: 705-759-6500

#### Enbridge Gas Limited

- 10 Industrial Court A, Sault Ste. Marie, Ontario P6B 5W6
- Tel: 705-759-2950

#### Important Note

Township of Prince is to be provided with copies of **all** agency comments to be shared with the Township Planner.

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