THE TOWNSHIP OF THE ARCHIPELAGO
CLOSURE AND CONVEYANCE OF UNOPENED MUNICIPAL ROAD ALLOWANCE

Administrative Policy

1. It is the policy of the Township to receive and consider applications from abutting landowners for the closure and conveyance of an unopened municipal road allowance within the Township.

2. Applications for closure of an unopened road allowance will not be approved if it is deemed that other owners of the land are or may be deprived of access to their property or if it conflicts with Township by-laws or procedures.

3. All portions of an unopened road allowance which provide access to the water or are covered by water will be maintained in the Township's name.

4. It will be the general policy of the Township not to close road allowances or portions thereof, which lead to water or to original shore road allowances.

   a) Notwithstanding the aforementioned general policy, agreements may be entered into between the applicant and the Township to exchange land for road allowances. All costs involved in this type of transaction are to be borne by the applicant.

   b) Notwithstanding the aforementioned general policy, it is to be recognized that in special circumstances such as a road allowance crossing a point of land with water on both sides, an island, or some other peculiar circumstance, Council may agree to close and convey road allowances leading to water.

5. The road closure procedure commences at such time as inquiries are first received from property owners and at which time the Township will issue a formal application form. Advice as to the procedures to be followed as well as the fees required will be provided to the applicant at this time.

6. Council will not consider applications which the Ministry of Natural Resources has not granted preliminary approval, presuming they are the abutting owner.

7. It is the policy of the Township not to adjudicate should abutting owners disagree on the proposed dividing lines or not be in agreement to the sale of an unopened road allowance to an abutting owner. Council will not consider applications for which the applicant has not obtained an "Authorization to Purchase" from the property owner(s) abutting the opposite side of the unopened road allowance.

8. In the event that an applicant fails to pay the Municipal solicitor for the legal costs incurred, all outstanding costs will be collected in a like manner as taxes, and title to the unopened road allowance will not be transferred to the applicant until the account has been paid in full including interest.

THE TOWNSHIP OF THE ARCHIPELAGO
APPLICATION TO CLOSE AND CONVEY MUNICIPAL ROAD ALLOWANCES

Application Information and Procedures

Within its territorial jurisdiction the Township owns all original concession road allowances which have not yet been stopped up and conveyed. Provincial legislation allows municipalities to sell such road allowances, excepting any portions of the allowance, which are covered by water. Each abutting landowner on either side of a concession road allowance must give his/her consent to the applicant purchasing that portion of the original road allowance lying adjacent to his/her property.

Regardless of the acreage of the lands which are the subject of an application, the Township will require market value to be paid for the portion of concession road allowance proposed to be sold. The purchaser will be required to pay all legal, surveying and administrative costs, including the cost of obtaining a market value appraisal.

A survey is essential if an existing reference plan does not show the road allowance as having a separate part number. Surveys are not the responsibility of the Municipality nor are the costs paid to the Township.

Procedures:

1. The Township requires that the applicant obtain authorization from the land owner(s) abutting the opposite side of the subject road allowance, to the effect that they have no objection to the sale of a portion of the unopened road allowance to the applicant.

2. The applicant must complete the application form and submit it to the Township together with the 'Authorization to Purchase' from the abutting property owner(s), as described above, and a cheque in the amount of $500.00.

3. If the applicant withdraws the application prior to it being considered by Council, the $500.00 application fee will be refunded to the applicant.

4. Should Council deny the request to purchase the concession road allowance, the $500.00 application fee is non-refundable.

5. A legible plan must be attached to the application form, which clearly demonstrates the area of unopened road allowance proposed to be purchased. An Ontario Land Surveyor's plan is NOT required at this stage.

6. Upon receipt of the completed application form and its review by Township staff, the application will be considered by Council.

CAUTION: DO NOT PROCEED WITH STEP 11 UNTIL SO DIRECTED BY THE TOWNSHIP

7. If the applicant's lot(s) was created by a registered Plan of Subdivision, the subject concession road allowance will not merge with the lot(s), pursuant to the Planning Act. Council's approval will be made subject to the applicant submitting an application to the Township, together with the required fee of $500.00, to deem the subject lot(s) not to be on a registered plan of subdivision. The Township will register the by-law at the local Land Registry office, thereby permitting the concession road allowance to merge with the subject lot.

8. Following Council's approval, staff will obtain an appraisal to determine fair market value of the subject land. The applicant shall be provided with a copy of the correspondence engaging the appraiser.

9. Following receipt by the Township, the applicant will be provided with a copy of the fair market value appraisal and will be invoiced for the cost of obtaining same. If in agreement with the appraised value, the applicant must forward a cheque in the amount of the appraised value, payable in trust, to the Township's solicitor.

10. Should the applicant choose **not** to proceed with the purchase of the subject road allowance, he/she is, nonetheless, responsible for paying the invoice for the cost of obtaining the fair market value appraisal.

11. Upon receipt of the payments as outlined in Section 9 above, the applicant will be advised to contact an Ontario Land Surveyor and order a draft plan to be prepared. The draft plan **MUST NOT** be deposited in the Registry Office prior to its approval by the Township.

12. Upon receipt of the draft plan, Township staff will review same and if satisfied, will direct the applicant's surveyor to deposit the survey at the local Land Registry Office. The applicant shall be provided with a copy of the Township's correspondence to the land surveyor.

13. Following receipt of the registered plan of survey, the Township will engage a solicitor to proceed with the application. The applicant shall be provided with a copy of the Township's correspondence to the solicitor.

14. If the subject lot(s) is on a registered plan of subdivision, as outlined in Section 7, the file will not be forwarded to the Township's solicitor until such time as the applicant has submitted to the Township, together with the required fee, the application to deem the lot(s) not to be on a registered plan of subdivision.

15. Upon receipt of the file, the solicitor will contact the applicant and request a deposit toward his legal fees, to be paid to him directly. The solicitor will not proceed with processing the application until he is in receipt of the required deposit for legal fees. (The Township requires that the solicitor act on its behalf in the closure and sale of municipal road allowances. The legal fees and disbursements are to be charged directly to the applicant.)

16. As a step in the legal processing of the file, pursuant to Provincial Statute, Council must pass a by-law to declare the land to be surplus and must give notice to the public of the proposed sale and the proposed by-law prior to its passage. Notice will be given in accordance with Council's By-law No. 03-11. If the lot(s) is on a registered plan of subdivision, as outlined in Section 7, Council will also pass a by-law to deem the lot(s) not to be on a registered plan of subdivision and will register same at the local Land Registry Office.

17. Following completion of the solicitor's work and receipt of final payment by the applicant, the solicitor will register a Transfer/Deed to convey the subject road allowance to the applicant and will release the funds held in trust for payment of said land to the Township.

18. The entire procedure will take approximately 12 to 18 months to complete, however, the applicant cannot be given any guarantees as to the time frame that will be required to process individual applications.

Print Form

9 James Street
Parry Sound, Ontario
P2A 1T4
Phone: 705-746-4243
Fax: 705-746-7301
web: www.thearchipelago.on.ca

APPLICATION TO CLOSE AND CONVEY MUNICIPAL ROAD ALLOWANCES

Rev. 12/17/2015

OFFICE USE ONLY

Date Received _____ Complete Application ☐ Yes ☐ No Application No. _____

Date Accepted _____ Applicable Fee Paid ☐ Yes ☐ No

Personal information contained on this form is collected pursuant to Section 28 of the Municipal Act, 2001, S.O. 2001, c. 25 and will be used for the purpose of considering your application. Questions about this collection of personal information should be directed to the Clerk of the Corporation of the Township of The Archipelago.

1. Applicant / Agent Information

Name of Applicant / Agent

_____

Address

_____

City _____ Province / State _____ Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email _____

2. Owner(s) Information (Please provide a copy of the Transfer/Deed of Land)

Name of Owner(s)	Date of Birth (day/month/year)	Marital Status

Address

_____

City _____ Province / State _____ Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email _____

Please advise to whom all communications should be sent. ☐ Owner ☐ Applicant / Agent

3. Location and Description of the Subject Land (Please provide a copy of the Transfer/Deed of Land)

Property Civic Address: _____

Assessment Roll Number 4905-_____ Lot _____ Concession _____ Island No. _____

Registered Plan of Subdivision No. (if any) Plan M - _____ Lot No. _____

Reference Plan No. (if any) Plan No. 42R - _____ Part No. _____

Parcel No. _____ Other Description _____

Please forward a legible plan which clearly demonstrates the boundaries of the owner(s)' lot, neighbouring properties and the proposed projection of the lot lines to the waters' edge. Structure locations must be shown. Please note that an Ontario Land Surveyor's plan is not required at this stage.

4. Are there any mortgages against this property? YES ☐ NO ☐

If so, please provide the name and address of the mortgage holder.

_____

_____

5. Declaration of Owner(s)/Agent

I/We acknowledge that I/We have read the Administrative Policy and Information and Procedures provided with this application form and hereby submit the Application to close and convey a portion of the municipal road allowance abutting the above noted property, together with payment in the amount of $500.00, for consideration of this application by Council. The lands will be appraised and sold at fair market value as determined by a certified real estate appraiser.

I/We agree that prior to the transfer of the road allowance, I/we shall pay in full to the Township's solicitor any outstanding balance resulting from this application.

I/We understand that if all outstanding costs resulting from this application are not paid, such will be collected in a like manner as taxes, and title to the road allowance will not be transferred until the account has been paid in full, including interest.

The information contained in this application is true to the best of my knowledge.

I have the authority to bind the corporation or partnership (if applicable).

Date _____ Signature of Agent_____
(if applicable)

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

6. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Municipal Act for the purposes of processing this application.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

7. Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application and to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and I/we authorize _____ to:

1) Make this application on my/our behalf; and,

2) For the purposes of the *Freedom of Information and Protection of Privacy Act*, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

AUTHORIZATION TO PURCHASE

TO: The Township of The Archipelago
9 James Street
Parry Sound, Ontario
P2A 1T4

RE: Part(s) of an original concession road allowance to be purchased by: (Name of Owner(s))

_____

who own the property known as:

Parcel _____ in the Register for Parry Sound _____ Section

and designated as Part _____ on Reference Plan 42R-_____

or Lot _____ on Subdivision Plan M-_____

located in part of Lot _____ in Concession _____

in the geographic Township of _____,

now in the Township of The Archipelago.

Dear Sirs:

I/We are the registered owners of abutting lands described as Parcel _____ in the Register for Parry Sound _____ Section, and designated as Part/Lot _____ on Reference Plan/Subdivision Plan _____ located in part of Lot _____ in Concession _____, in the geographic Township of _____, now in the Township of The Archipelago.

I/We confirm that I/we have no interest in purchasing any part of the abutting concession road allowance, as shown on the attached sketch. I/we do hereby consent to the applicant(s) purchasing that portion of the concession road allowance lying adjacent to his/her property.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

(Please print names below signatures)

Fees and Refunds

1. The fees payable for the closure and conveyance of an unopened municipal concession road allowance are as follows:

   Application Fee $ 500.00

   Purchase Price of Land Fair Market Value*

   *Note: Fair maket value of the lands to be conveyed will be determined by a Certified Real Estate Appraiser, selected by the Township. **The applicant will be responsible for the costs incurred by the Township in determining fair market value.**

   Cheques are payable to `*The Township of The Archipelago'*.

2. If the applicant withdraws the application prior to it being considered by Council, the $500.00 application fee will be refunded to the applicant.

3. Should Council deny the request to purchase the concession road allowance, the $500.00 application fee is non-refundable.

4. All other fees association with the concession road allowance purchase (legal fees, registration fees, surveying costs, etc.) are the sole responsibility of the applicant.