

SCHEDULE "A" TO BY-LAW #16/11 AMENDED  
As amended by By-Law #38/12  
As amended by By-Law #76/13  
As amended by By-Law 2016-041



The Corporation of the Township of  
NORTH KAWARTHA

SHORELINE ROAD ALLOWANCE CLOSURE POLICY &  
APPLICATION

## **SHORELINE ROAD ALLOWANCE CLOSURE APPLICATION GUIDELINES**

The Township offers for sale the 66 foot shoreline allowance ONLY to the property owner whose land is separated from the lake by this allowance. Please note that if there is a portion between the 66 foot shoreline road allowance and the property owner's lot that is owned by the Crown (Ministry of Natural Resources), this portion must be purchased through the Ministry of Natural Resources prior to proceeding with the municipal shoreline road allowance purchase. This is usually evident at the time the survey is completed. Upon request, the municipality will review any existing surveys to determine if they are satisfactory for the application.

### **Application Process**

The Applicant obtains and files the following documentation with the municipality:

1. A correctly completed 'Application to Purchase' form. (Attached, see last page.)
2. A cheque payable to the **Township of North Kawartha** to cover the cost of lands including municipal administration costs. A cheque, payable to **Ewart O'Dwyer in trust** to cover the deposit for legal fees, and the Solicitor's administration costs. The fees for the solicitor are approximate and may vary slightly. You may be required to submit additional funds as required. If after the closure is completed there are funds remaining on deposit, a refund will accompany your statement from Ewart O'Dwyer.
3. Six unmarked copies of the **registered** survey plan are required. The shoreline road allowance portion must be identified as a **part number** on a **Registered Plan**.
4. Consent from your adjacent landowner *on an **additional copy of your survey plan*** is only

required if your adjacent land owner is the Crown (Ministry of Natural Resources), indicating their approval of the purchase of the 66 foot allowance and straight line extensions as shown on the survey. In all other cases, the Township will contact the adjacent landowners at least two weeks prior to the public hearing.

The municipality reserves the right to require further documentation as may be required to substantiate the purchase.

## **COSTS**

### **SURVEY COSTS**

All survey costs are the responsibility of the applicant.

### **COSTS FOR LANDS**

**Based on the water's edge frontage in feet as shown on the Registered Plan:**

#### **Effective May 3, 2016**

- (a) Minimum fee of \$ 2,050.00 plus HST for up to 150 feet of frontage
- (b) Over 150 feet, \$ 2,050.00 plus \$ 15.00 per each additional foot plus HST
- (c) An amount of \$200 (no HST) to cover municipal administration costs.

Upon presentation of your application to the Township Office, Municipal Staff will confirm your cost for lands based on the shoreline frontage indicated on your survey.

### **LEGAL COSTS**

#### **Effective August 13, 2013**

\$800.00 – cheque to be payable to **Ewart O'Dwyer in trust**

These are approximate legal fees, please be advised that the costs to purchase may vary and you may be required to submit additional funds as required. If after the closure is complete, there are funds remaining on deposit, a refund will be issued to the Applicant from Ewart O'Dwyer.

### **Consent from Adjacent Landowners**

Consent is only required if your adjacent landowner is the Crown or Ministry of Natural Resources. An additional survey copy will likely be required by the Crown to obtain their consent. Please contact the Ministry of Natural Resources for their consent in writing to be provided to the Township of North Kawartha with your application.

Note: Section 34(2) of the Municipal Act S.O., 2001, Chapter c.25 provides that a by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway, abuts on land, including land covered by water, owned by the Crown in right of Canada; or leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada;

### **Notification of Adjacent Landowners and the Public**

The Township of North Kawartha will forward a copy of the public notice to the adjacent property owners and the applicant informing them of the date of the public hearing. The public notice will also be published on the Township of North Kawartha website and posted in the Municipal Office at least two weeks prior to the Council meeting when the closure by-law will be considered.

Concerns may be addressed directly to the Municipality and written submissions will be provided to Council for the Public Hearing. This information will then be presented by Municipal staff at the public hearing. Anyone is welcome to attend the public hearing.

Acting reasonably and under the requirements of the law, the Council of the Township of North Kawartha shall determine the merit of any objection. In the event of a disagreement between adjacent property owners over the location of the survey line or other such matters the Council of the Township of North Kawartha will provide the final decision.

### **Survey Requirements:**

- (a) The survey of the lands to be closed and deeded shall not include any areas that have been filled, "man-made" or are under water;
- (b) The survey must show any/all submerged portions of the shoreline road allowance;
- (c) The survey must show any/all filled lands on the bed of the waterbody;
- (d) The survey must be deposited (i.e. Registered with date and signature of Land Registry office in the top right corner);
- (e) The frontage at the shoreline must be shown clearly in feet;
- (f) The shoreline road allowance must be defined as a separate part number;
- (g) When the survey consists of more than one part, an 'X' must be placed on the particular part to be purchased;
- (h) Surveys that are submitted and do not meet all of the above criteria, will be rejected.

The municipality will review the documentation provided and advise the Applicant of any deficiencies. The application will be held for a period of no longer than one month until all documentation is correctly completed. If the application has not been completed after one month, the entire application will be returned to the applicant.

The documentation will be sent by the Municipality to Mr. John Ewart, Ewart, O'Dwyer Barristers and Solicitors, 311 George Street, Suite 103, Box 10, Peterborough, Ontario K9J 3H3 Telephone: (705) 874-0404 Fax: (705) 874-1165

### **Process and Completion**

During the legal process the Solicitor will supply a proposed notice of closure that will be sent by the municipality to the mailing address on the tax roll for the adjacent property owners and the applicant. The Notice will also be published on the website and posted in the Municipal Office at least two weeks prior to the Council meeting when the closure by-law will be considered.

Any concerns raised by members of the public would be resolved to Council's satisfaction prior to the enactment of a by-law to stop up, close and dispose of the subject road allowance.

Owners should check the description of their lands on their next tax notice or on the assessment roll at the Municipal Office to ensure that the Municipal Property Assessment Office (MPAC) changes your property description to include the lands purchased. If you have concerns regarding the impact of purchasing the shoreline road allowance on your property assessment value, please contact the Municipal Property Assessment Corporation directly. The Municipality does not assign the assessed value to your lands.

Once your application has been forwarded to the Municipal Solicitor for processing, please allow at least one year to complete the purchase of the shoreline road allowance. The completion time may increase should easements be required or complications in the process occur.

**APPLICATION TO PURCHASE SHORELINE ROAD ALLOWANCE**

I / WE \_\_\_\_\_, (all owners named on Deed) request to purchase the 66 foot shoreline road allowance described Part \_\_\_\_\_ on Registered Plan \_\_\_\_\_ fronting the property described as \_\_\_\_\_ (Insert Lot, Concession, Township, Plan & Lot if applicable) located at civic (911) address \_\_\_\_\_

PROPERTY ROLL # \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

EMAIL (Optional) \_\_\_\_\_

BIRTHDATE OF OWNERS: \_\_\_\_\_

BIRTHDATE OF OWNERS: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

COST FOR LANDS \$ \_\_\_\_\_ (payable to "Township of North Kawartha")

LEGAL FEES \$ \_\_\_\_\_ (payable to "Ewart O'Dwyer in trust")

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Signature of Municipal Staff

Submit Application to: **Township of North Kawartha**  
**P.O. Box 550, 280 Burleigh St.**  
**Apsley, ON K0L 1A0**  
**(705) 656-4445 or 1-800-755-6931**  
**Fax (705) 656-4446**

In accordance with the Municipal Freedom of Information and Protection of Privacy Act, the personal information gathered will be used for the purpose of processing this application.