



The Corporation of the Township of  
NORTH KAWARTHA  
Schedule "A" To By-Law #17/11 AMENDED  
As amended by By-Law #39/12  
As amended by By-law #77/13  
As amended by By-law 2016-040

*UNOPENED MUNICIPAL ROAD ALLOWANCE POLICY AND  
APPLICATION*

**PURCHASE OF UNOPENED MUNICIPAL ROAD ALLOWANCES**  
**APPLICATION GUIDELINES**

The Township shall consider the sale of 66 foot unopened Municipal road allowances. Each application shall be dealt with on its own merit, subject to, but not limited to, the following criteria:

- Requirement for future use of allowance by Municipality
- Requirement for public access
- Site specific based on hardship
- Existing encroachment on municipal lands
- Requirement for additional lands where necessary to comply with zoning by-laws
- Protection of wetland areas
- Negative impact to abutting landowner (i.e. Buffer Zone)
- 33' offered to abutting landowner
- Applications shall be circulated to Federal and Provincial Agencies as deemed appropriate

Note: The Provincial Policy Statement strongly discourages the sale of any road allowances leading to water and Council must follow the recommendations of the PPS whenever possible.

**Application Process**

**Step 1:**

The Applicant(s) submit the following documentation to the Municipal Office.

- a) A letter of request to purchase addressed to Municipal Council. The letter should explain the reasons for the proposed purchase and be accompanied by a sketch, drawn to scale, of the lands to be purchased.

- b) Municipal staff will contact the abutting property owner(s) to determine that they either wish to purchase or do not wish to purchase their portion of the allowance. **Note: Other property owners whose land may abut the unopened road allowance are entitled to purchase the land to its middle line and must be given first right of refusal according to the Municipal Act.**
  
- c) Municipal Staff will review the submission and complete an on site inspection, if required. A Staff Report will be prepared for submission to Council for consideration at a regular Council Meeting.

**Step 2:**

Upon Council approval, the unopened road allowance can be offered for sale according to the Municipal Act, 2001, as amended.

The applicant will be required to submit the following documentation to begin the process to purchase.

1. A correctly completed “Application to Purchase” form including all owners named on the Transfer/Deed of Land. (Attached).
  
2. A cheque payable to the **Township of North Kawartha** to cover 25% of the cost of lands and municipal administration costs. A cheque, undated and 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 lands to be

purchased must be identified as a **part number** on a **Registered Plan**.

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(s).**

### **COSTS FOR LANDS**

- a) Fee of \$750. Plus HST per each linear foot on lot allowances with water frontage.
- b) Fee of \$.06 per square foot plus HST on land locked concession or lot allowances.
- (c) An amount of \$200 (no HST) to cover municipal administration costs.

Upon presentation of your application to the Township Office, Municipal Staff will calculate your cost for lands based on our survey.

Upon application a deposit of 25% to cover cost of lands is required. Remaining cost of lands shall be paid to the Township of North Kawartha prior to property registration.

### **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.

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

The Township of North Kawartha will forward a copy of the public notice to all property owners adjacent to the road allowance 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 dimensions and area of the lands to be purchased must be shown clearly in feet;
- (f) The lands to be purchased 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 Barrister 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 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 road allowance. The completion time may increase should easements be required or complications in the process occur.

**APPLICATION TO PURCHASE UNOPENED MUNICIPAL ROAD ALLOWANCE**

I / WE \_\_\_\_\_, (all owners named on Deed) request to purchase a portion of unopened Municipal road allowance abutting the property described as \_\_\_\_\_  
(Insert Lot, Concession, Township, Plan & Lot if applicable) located near civic (911) address \_\_\_\_\_

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

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

TELEPHONE \_\_\_\_\_

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

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

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

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

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

TOTAL COST FOR LANDS \$ \_\_\_\_\_

DEPOSIT RECEIVED \$ \_\_\_\_\_ (payable to "Township of North Kawartha")

OUTSTANDING COST FOR LANDS \$ \_\_\_\_\_ (payable to municipality)

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

Date Received \_\_\_\_\_ Signature of Municipal Staff \_\_\_\_\_

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

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

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.