

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

CLOSURE AND SALE OF SHOREROAD ALLOWANCES POLICY

BY-LAW NO. 2011-015

BEING A BY-LAW TO ADOPT POLICIES AND PROCEDURES FOR  
THE CLOSURE AND SALE OF SHORELINE ROAD ALLOWANCES.

**WHEREAS** the Municipal Act S.O. 2001, c. 25, as amended by the Municipal Statute Law Amendment Act S.O. 2006, c. 32, requires by section 270 that the municipality shall adopt and maintain policies which is to include the following:

1. The Sale and Disposition of Land.
2. Procedures for notice to the public, which procedures will be open and transparent to the public.

**AND WHEREAS** Council of the Corporation of the Municipality of Calvin now proposes to adopt such policies and procedures;


**BE IT ENACTED AS A BY-LAW OF THE TOWNSHIP OF THE MUNICIPALITY OF CALVIN AS FOLLOWS:**

1. **Schedule "A"**  
The **policies** for the Closure and Disposition of Shore Road Allowances shall be those as set out in Schedule "A" attached.
2. **Schedule "B"**  
The **procedures** for the Closure and Sale of Shore Road Allowances shall be those as set out in Schedule "B" attached.
3. **Schedule "C"**  
The sale price and the method of calculation will be set out in Schedule "C" attached.
4. **Schedule "D"**  
The Application for Closure of Shoreline Road Allowance
5. **Schedule "E"**  
Lot Line Extension Application
6. **Repeals**
  - 6.1 All By-Laws pertaining to the sale or closure of shoreline road allowances.

**THIS BY-LAW READ A FIRST AND SECOND TIME** this the 13<sup>th</sup> day of SEPTEMBER, 2011.

**THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED** this the 13<sup>th</sup> day of SEPTEMBER, 2011.

  
MAYOR

  
CLERK

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2011- 015

SCHEDULE "A"

CLOSURE AND DISPOSITION OF SHORELINE ROAD ALLOWANCES

POLICIES

The following are general policies which will apply to each Application for Closure of Shoreline Road Allowances. It is appreciated that every application may not fit exactly within these policies and minor changes may be required.

1. Definition

The term "Shore Road Allowance" also refers to those road allowances leading to water.

2. Road Allowances to be Reserved

It is the policy of Council not to close and sell the road allowances listed hereafter. A change in this policy requires an Approval By-law by Council.

Road Allowances leading to water

- (1) Road allowances or portions of an allowance on or leading to water that are or can be used for public waterfront recreational uses, public access, emergency access, public travel and portage or other municipal purposes.

Environmental Areas

- (2) Any portions of a road allowance that contains, abuts, or provides access to significant fish spawning areas, wildlife habitat or other environmentally sensitive features.

Historical or Cultural Features

- (3) Those portions of road allowances where significant historical or cultural features have been identified.

Future waterfront community development

- (4) Shoreline road allowances in areas where waterfront community development is likely to occur.

Public Interest

- (5) Where, in the opinion of Council, reservation of a shore road allowance is necessary in the public interest.

3. Shore Road Allowances which may be sold with Municipal consent

No deprivation of access

- (1) Shoreline road allowances may be closed by the municipality and sold to abutting owners only when it has been determined that other landowners will not be deprived of suitable alternative public access to the waterfront.

Easements

- (2) The municipality, when closing and selling a shore road allowance, has the right to reserve easements where they consider it necessary in the public interest.

Application: Advise Adjacent Owners

- (3) Each person applying for the purchase of a shoreline road allowance abutting his/her property, must provide when submitting an Application, confirmation that they have advised the abutting land owners of their proposed application to the municipality.

Draft Survey: Copy to Adjacent Owners

- (4) Each abutting owner will be provided with a draft of the proposed survey of the area of the shore road allowance to be closed and will have the opportunity to comment or make representation to Council.

Shore road allowances above water

- (5) Only that portion of the shore road allowance that is above water will be closed and sold.

Flooded or Hazard lands

- (6) Lands that are subject to flooding or other hazards may be sold. However, any construction or placement of fill on these lands will be subject to the approval of Minister of Natural Resources and/or the applicable Conservation Authority.

Zoning Regulations

- (7) Shoreline road allowances which are closed and sold to the adjacent owners are subject to the municipality's zoning regulations.

Disagreement with adjacent owners

- (8) Where there is a disagreement between an Applicant and an adjacent owner as to the area which is to be the subject matter of the Application, Council may refuse the Application.

4. **Lot line projections**

In determining the area of the shore road allowance to be closed, the lot line projections may be drawn in one of three ways:

- i. a straight line projection of the existing boundary, or
- ii. at right angles to the shore road allowance, or
- iii. in such manner as Council determines is fair and equitable subject to the provisions of section 3(8) above.

5. **Surplus Property**

Before approving of an Application in principle, Council shall:

- i. determine that the subject shore road allowance is surplus to the needs of the municipality;
- ii. determine that the road allowance is not one which is to be Reserved under section 2 above.

6. **Sale Price**

Shore Road Allowances will be sold on a square metre basis, or \$250.00, whichever is greater or as may be determined by Council from time to time by Schedule "C" to this by-law.

7. **Application Fee**

Application for Shore Road Allowance closings shall be accompanied by an Application fee of \$250.00 to offset administrative costs and investigation.

8. **Approval in Principle**

Council's initial approval by resolution shall be "approval in principle." Final approval by by-law will only take place after the public meeting.

9. **Ministries/Utilities and Conservation Notification**

All Applications for shoreline road allowance closings require notice to be given to the following:

- i. applicable ministries;
- ii. applicable public utilities;
- iii. Public Works Canada;
- iv. applicable conservation authorities.

10. **The Road Closing By-law**

After the public meeting, Council can then give approval to the road closing by-law. If all clearances from ministry and utilities have not been received, the by-law can be given two (2) readings. After these clearances are received, Council can, at a subsequent meeting, give the by-law its third reading, after which a certified copy will be forwarded to their solicitors for processing the legal documentation.

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2011-015

SCHEDULE "B"

CLOSURE AND DISPOSITION OF SHORELINE ROAD ALLOWANCES

PROCEDURE

The following are general procedures which will apply to each application for closure of all or part of a Shore Road Allowance as defined in Schedule "A".

1. **Application Form**

The Clerk shall prepare a shore road allowance closing Application form for distribution to Applicants.

2. **Procedure for the sale of Shoreline Road Allowances**

**Step 1 – Initial Application**

An owner wishing to purchase part of a shoreline road allowance, shall file an Application with the Municipality, which is to include the following:

- (1) Description of the area of the shore road allowance, giving lot and concession.
- (2) A sketch of the area showing the lots adjacent on each side and names of adjacent owners.
- (3) A deposit of \$250.00 payable to the Municipality to cover the cost of initial administration and investigation.

**Step 2 – Council Consideration**

The Application will be submitted to Council after all required information is received. Council may approve or disapprove of the Application. If Council approves, it does so "in principle" and may include special conditions.

**Step 3 – Deposit: After Council's approval in principle**

Prior to the commencement of legal procedures, the applicant shall deposit with the municipality the sum of \$3,000.00 to cover anticipated expenses of legal, newspaper publication, land searches, etc.

**Step 4 – Municipal Solicitor**

The file will then be forwarded to the municipal solicitor, who will take the following action:

- (1) Correspond with the Applicant advising of preliminary procedures, i.e. survey required with special instructions to the surveyor.
- (2) The Applicant is responsible for contacting the surveyor and being directly responsible for the survey account.

**Step 5 – Draft survey plan**

- (1) The surveyor will send one (1) copy of the draft reference plan to the municipality and five (5) copies to the municipal solicitor.

- (2) The municipal solicitor will then forward copies to the adjacent owners requesting their comments.

**Step 6 – Utilities/Ministries/Hydro, etc.**

The municipal solicitor will forward copies of the draft survey to Hydro One, Bell Canada, Public Works Canada, and any applicable conservation authority.

**Step 7 – Registration of the survey**

If there are no objections to the survey by the municipality, the municipal solicitor, adjacent owners, or utilities/ministries, etc., instructions will be given to the surveyor by the municipal solicitor to proceed with registration of the survey as a reference plan.

**Step 8 – Public Notice**

- (1) After the plan is registered, the municipal solicitor will then prepare a public notice, which the municipality will insert in a newspaper of local circulation, and will post it in four areas in the vicinity of the subject lands.
- (2) The notice will provide a date that representations can be made to Council in connection with the proposed by-law.
- (3) Copies of the survey of the lands to be closed and sold will be available at the municipal offices.

**Step 9 – The by-law**

The municipal solicitor will then prepare the by-law and forward it and related information to the municipality for passing.

**Step 10 – Registration of by-law**

After passage of the by-law, a certified copy of the by-law shall be registered in the Land Registry Office.

**Step 11 – Transfer/Deed**

The municipal solicitor will prepare a Transfer/Deed and forward this to the municipality for signing by the Mayor and Clerk.

**Step 12 – Accounting to the Client**

- (1) The municipality will then forward to the Applicant, an account of Fees/disbursements incurred in the road closing procedure.
- (2) The municipal solicitor, on receiving confirmation of the payment of all accounts, will forward the Transfer/Deed to the purchaser with the recommendation that they take it to their solicitor for independent advice and his/her approval and registration.

**THE CORPORATION OF THE MUNICIPALITY OF CALVIN**

**BY-LAW NO. 2011-015**

**SCHEDULE "C"**

**CLOSURE AND DISPOSITION OF SHORELINE ROAD ALLOWANCES**

**CALCULATION OF LAND COSTS**

1. **Method of Calculating Land Cost**

Land costs shall be calculated on the following basis:

-square meter basis.

2. **The Price**

Municipal prices shall be as follows:

-when calculated on a square meter basis - \$0.41 per square meter

OR -\$250.00, whichever is greater

THE CORPORATION OF THE MUNICIPALITY OF CALVIN  
BY-LAW NO. 2011-015  
SCHEDULE "D"  
APPLICATION FOR CLOSURE OF SHORELINE ROAD ALLOWANCE

DATE: \_\_\_\_\_

ROLL NO.: 4822-000-001-

CIVIC ADDRESS (Of Subject Property): \_\_\_\_\_  
\_\_\_\_\_

NAME (Owner): \_\_\_\_\_ APPLICANT: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOT \_\_\_\_\_ CONC \_\_\_\_\_ PLAN NO. \_\_\_\_\_ LOT OR PART \_\_\_\_\_

I/we hereby apply to the Municipality of Calvin for the closure and conveyance of that portion of the Original Shoreline Road Allowance to the water's edge **abutting my property**; and having the ownership of same transferred to the above name(s) as they appear on the deed to my/our abutting land.

I/we agree to pay all Municipal, legal and administrative fees and obtain a survey and pay all fees involved in the above transaction, plus the rate per square meter, as established in Schedule "C" to By-Law 2011-015.

I/we hereby acknowledge that issues may arise in connection with this Application, i.e. Hydro easements, Bell Telephone easements, the resolution of which is the responsibility of the Applicant and which could increase the legal and administrative expenses.

Submitted herewith is the following:

- A) Application fee of \$250.00; and
- B) A sketch containing full particulars of the shoreline road allowance closure including the area of shoreline for which the application is being made including the location of the access to the property; and the location of all buildings on the property. Indicate with reasonable accuracy the lot lines & dimensions. If a Reference Plan is available, it should be used in lieu of a sketch; and
- C) Approval of the adjoining landowner(s) concerning the location of the extension of the side lot line in the following manner:
  - (i) Signed and witnessed Lot Line Extension Authorization form; and
  - (ii) A sketch or survey "initialed" or "signed" by the adjoining property owner(s) which clearly shows the applicant's property and the adjoining property.

Yours truly,  
  
\_\_\_\_\_  
Signature

Name of Solicitor:  
  
\_\_\_\_\_

\_\_\_\_\_  
Signature

Address: \_\_\_\_\_

Phone: \_\_\_\_\_



CORPORATION OF THE MUNICIPALITY OF CALVIN  
BY-LAW NO. 2011-015  
SCHEDULE "E"  
APPLICATION FOR CLOSURE OF THE ORIGINAL LAKESHORE ROAD ALLOWANCE

LOT LINE EXTENSION AUTHORIZATION

The applicant, \_\_\_\_\_ is the Owner of Part of Lot \_\_\_\_\_, Con \_\_\_\_\_,  
Parcel No. \_\_\_\_\_, Plan No. \_\_\_\_\_, Part No. \_\_\_\_\_,  
Property Roll No. 48 22000-001- \_\_\_\_\_, in the Geographic Municipality of \_\_\_\_\_

I, \_\_\_\_\_, owner of abutting lands described as Part of Lot \_\_\_\_\_,  
Con. \_\_\_\_\_, Parcel No. \_\_\_\_\_, Plan No. \_\_\_\_\_, Part No. \_\_\_\_\_,  
Property Roll No. 4822000- 001 \_\_\_\_\_, in the Municipality of \_\_\_\_\_ 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 appended hereto  
and hereby agree to the proposed lot line extension as shown on the sketch/survey.

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

Signature: \_\_\_\_\_  
(Owner of abutting lands)

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_  
(Owner of abutting lands)

Witness: \_\_\_\_\_