

Corporation of the Municipality of Tweed

Policy and Procedures

to Close and Sell a Municipal Road Allowance

PURPOSE

To establish the fees, costs and procedures for an application to purchase portions of the Municipal Road Allowance.

POLICY – General Provision

The Municipality must be assured that the portion of the road allowance subject to closure request would not now or in the future be necessary for road or access purpose nor would it provide a possible continuation or link-up with any other allowance or public road used or which may be used for access.

The Municipality, in its sole discretion, may decline to close and sell a road allowance leading to a water body where it has determined that there is presently or may be in the future inadequate public access to the water body.

The Municipality will only consider closure of the entire width of the subject road allowance. Generally, the Municipality will convey half of the width of the road allowance to each abutting land owner unless there is agreement between the abutting landowners. This agreement may include a landowners written expression that they do not wish to purchase any portion of the road allowance or they have agreed upon a different allocation of the road allowance. The Municipality may proceed to complete the transfer in accordance with such agreement.

It is not the intention of the Municipality to offer for sale a portion of a road allowance, as the creation of a new developable parcel of land. The portion being offered for sale will merge with the applicant(s) land adjacent to the subject road allowance.

The Municipality will offer the property at market value. Market value will be calculated by a real estate appraisal process to establish a per hectare price. The total land acquisition cost will be calculated at market value times the number of hectares as determined by the Reference Plan. The Reference Plan will be completed by an Ontario Land Surveyor and will indicate the portions of road allowance to be conveyed. 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.

The applicant is responsible for paying all administrative, legal, surveying, advertising and land acquisition costs involved in the road allowance closing. The transfer shall be prepared by the Municipality's solicitor at the applicant's expense and final approval of the required By-Law will not be given until the realty taxes on the applicant's property are paid up to date.

PROCEDURE:

1. The applicant must complete the application form and submit it to the Municipality, with a cheque payable to the Municipality of Tweed in the amount of \$500.00. This amount is a non-refundable application fee.
 - Requests will only be accepted from the owner(s) of the abutting property.
2. A sketch or survey must be attached to the application form, which clearly demonstrates the area of the unopened road allowance proposed to be purchased.
3. Upon receipt of the completed application form and its review by Municipal staff, the application will be considered by Council. Council will decide if and how much of the road allowance is eligible to be sold.
4. The Clerk will notify the applicant of Council's decision.
5. If the road allowance is eligible, the Municipality will contact the owner(s) of the property adjacent to the allowance to determine if the individual(s) wish to purchase their half of the width of the road allowance. If the individual(s) wish to purchase that portion they must also complete an application.
6. The Clerk shall give thirty days written notice to the adjoining landowners to request written comments on the proposed sale and closure. Public Notice will also be given. If no written comments are received within thirty days of the Notice, the closure will proceed.
7. A supplementary report, showing the proposed division of property, will be presented to Council for consideration.
8. If the supplementary report is approved by Council the applicant(s) must arrange to have the subject road allowance surveyed, showing all structures (if applicable), by an Ontario Land Surveyor. The draft reference plan **MUST NOT** be deposited in the Registry Office prior to its approval by the Municipality. Once the draft plan is approved the structures may be removed from the reference plan and the plan may be deposited at the Registry Office. Two copies of the Registered Plan must be submitted to the Municipality.
9. The applicant(s) must submit a copy of the existing deed(s) of property owned by the applicant(s) which abut the subject road allowance.
10. Upon receipt of the required documents the Clerk shall notify all appropriate agencies (i.e. Hydro One, Bell Telephone, Conservation Authorities, County of Hastings) of the intention to pass the By-law to stop-up, close and convey part of the road allowance.
11. Once comments have been received from the above noted agencies a Notice of Public Meeting to consider the proposed By-law is posted at the Municipal Office and also advertised for one week in a local newspaper.
12. At the Public Meeting Council will hear anyone appearing to support or object to the By-law. Council subsequently passes or does not pass the By-law. If there are not legitimate and reasonable objections and the By-law is approved, an invoice will be sent to the owner for the cost of the land.
13. Once payment for the land has been received the Clerk shall forward the documents to the Municipality's solicitor for deed preparation. The deed(s) will be delivered to the applicant upon receipt of all applicable outstanding costs.

*Application to Close a
Municipal Road Allowance*

Please Print

Applicant Information:

Name:	Home Phone No.:
	Work Phone No.:
	Cell Phone No.:
Mailing Address:	
Email Address:	

Authorized Agent , if any: (Please attach a letter of authority to this application)

Name:	Phone No.:
	Fax Number:
Address:	
Email Address:	

Location of the Applicant(s) Property:

Concession:	Lot:
Registered Plan:	Part(s) #:
Civic Address:	

Location of the Subject Road Allowance:

Concession:	Lot:
Registered Plan:	Part(s) #:

DECLARATION

I/We, _____

of the Municipality of _____ in the County

of _____ solemnly declare that all the statements contained in this application and all the supporting documents are true and that I/we make this solemn declaration conscientiously believing it to be true and complete and knowing that is of the same force and effect as it made under oath and virtue of the CANADA EVIDENCE ACT.

Signature of Applicant / Agent

Signature of Applicant / Agent

Printed Name of Applicant / Agent

Printed Name of Applicant / Agent

Date

Date

*This form must be signed before a Commissioner of Oaths which is available in the Municipal Office.

Declared/affirmed before me at the _____

of _____, in the County of _____

this _____ day of _____,

Commissioner of Oaths