



# Request Application for Unopened Road Allowance Closure and Purchase

Updated January 2021

As the applicant, it is your responsibility to make sure the application is complete, accurate and clearly identifies the unopened road allowance to be closed and purchased. Failure to provide all of the required information may result in processing delays.

## The Process:

### Step 1: Meet with the Municipality

- Submit an Intake form on the website or in person;
- A pre-consultation meeting will be arranged with Township staff to discuss the proposal and understand requirements.

### Step 2: Complete Application

- Bring complete application to the South Frontenac Township Office located at 4432 George Street, Sydenham, Ontario K0H 1W0;
- A complete Request Application for Unopen Road Allowance Closure and Purchase required with the following:
  - Completed application form in metric measurements (signed in the presence of a commissioner);
  - Payment of the required fee and deposit for the Township; and
  - Sketch (or drawing)

### Step 3: Application is processed

- A site visit will be conducted by Planning Staff;
- Staff will prepare a report and your application will be put on the agenda for Council. Staff will provide a recommendation to Council and Council will make the final determination if the road allowance will be closed and transferred. You are encouraged to attend the council meeting;
- Notice of your application will be advertised in the local newspaper for four consecutive weeks;
- A letter will be sent to the property owner adjacent (if applicable) to ask if they are interested in purchasing 50% of the unopened road allowance;
- If Council is supportive of the closure and transfer, the final purchase price for the portion of the unopened road allowance shall be established by Council.

### Step 4: Council Meeting & Survey

- The applicant, adjacent landowners & all interested parties may attend the public Council meeting and provide comments;
- You, as the applicant will have the opportunity to speak to your application;
- If there are no objections to the road closing, Council will direct staff to prepare the by-law to close and transfer a portion of the road allowance;
- It is at this stage that the applicants shall have a draft survey prepared to be submitted and approved by staff prior to depositing with the Land Registry Office;
- Once Staff has approved the survey, the Ontario Land Surveyor shall deposit the survey with the Land Registry Office and a digital and paper copy shall be provided to staff.

### Step 5: By-Law and Purchase

- Staff will prepare a report to Council with a by-law for consideration;
- Council is the authority who will consider approving the transfer of the road allowance.

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### Step 6: Purchase

- Purchase price to be paid by applicant to the Township by certified cheque or money order;
- Following payment of the purchase price staff will forward all relevant paperwork to the municipal lawyer who will be in touch with you or your lawyer to execute all necessary documents, once the documents have been forwarded back to the municipal lawyer the transfer registration will be completed;
- Please note that the deposit will be held by the Township until all legal invoices have been received and the transaction has been completed.

**I have read and understand the Request Application for Unopened Road Allowance Closure and Purchase process and my role within it.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE: The application must be accompanied by a detailed sketch of the proposed unopened road allowance closure and the abutting properties. Please see Schedule "A" for an overview of the process and requirements.**

<b>Planning Application:</b>	<b>Planning Fee:</b>	<b>Deposit:</b>	<b>Total:</b>
Close and Transfer an Unopened Road Allowance	\$510.00	\$3,000.00	\$3,510.00



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## For Office Use Only

Date received: \_\_\_\_\_ File Number: \_\_\_\_\_

Application Fee: \_\_\_\_\_ Fee paid (date): \_\_\_\_\_

Deposit Amount: \_\_\_\_\_ Deposit paid (date): \_\_\_\_\_

Application Deemed Complete (date): \_\_\_\_\_

Council Meeting Date(s): \_\_\_\_\_ & \_\_\_\_\_

Public Meeting Date: \_\_\_\_\_

1. Name of Owner(s): \_\_\_\_\_

**FULL** Mailing Address of Owner(s): \_\_\_\_\_

\_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

Phone # of Owner(s): \_\_\_\_\_

Full names, dates of birth and marital status of all individuals the property will be transferred to:

1. \_\_\_\_\_  
(name) (d.o.b) (marital status)

2. \_\_\_\_\_  
(name) (d.o.b) (marital status)

3. \_\_\_\_\_  
(name) (d.o.b) (marital status)

4. \_\_\_\_\_  
(name) (d.o.b) (marital status)

Signature of Owners consenting to agent acting on their behalf (agent information on pg.4):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name, printed



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Signature \_\_\_\_\_

Name, printed \_\_\_\_\_

2. Name of Agent: \_\_\_\_\_

**FULL** Mailing Address of Agent: \_\_\_\_\_

\_\_\_\_\_

Email Address of Agent: \_\_\_\_\_

Phone # of Agent: \_\_\_\_\_

3. Pre-Consultation meeting date: \_\_\_\_\_

Pre-consultation fee paid: \_\_\_\_\_ receipt #: \_\_\_\_\_

4. Abutting Owners, Information (if applicable):

a) Name of Abutting Owner: \_\_\_\_\_

Address of Abutting Owner: \_\_\_\_\_

Phone # of Abutting Owner: \_\_\_\_\_

b) Name of Abutting Owner: \_\_\_\_\_

Address of Abutting Owner: \_\_\_\_\_

Phone # of Abutting Owner: \_\_\_\_\_

c) Name of Abutting Owner: \_\_\_\_\_

Address of Abutting Owner: \_\_\_\_\_

Phone # of Abutting Owner: \_\_\_\_\_

5. The description of the **owners** land:

District:       Bedford       Portland       Loughborough       Storrington

Concession Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Street Number: \_\_\_\_\_ Name of Road/Street: \_\_\_\_\_

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_



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Roll Number: \_\_\_\_\_

Lake/Water body: \_\_\_\_\_

6. Frontage(s), depth and area of the Road Allowance to be closed

Frontage (on water): \_\_\_\_\_ Length (metres): \_\_\_\_\_

Width (metres): \_\_\_\_\_ Area: \_\_\_\_\_

7. The reason for requesting the closure of the unopened road allowance, including the proposed uses of the lands. (Attach more pages if required).

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8. What are the existing uses of the owner's property?

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9. Are there any Buildings, Structures or Septic Systems **on the Unopened Road Allowance**?

Yes       No

If yes, please describe. \_\_\_\_\_  
\_\_\_\_\_

10. Are there any buildings or structures on the owner's land?       Yes       No

If yes, please describe. \_\_\_\_\_  
\_\_\_\_\_

**NOTE:** If there are buildings or structures on the road allowance or the owner's lands, these should be shown on an attached sketch, with details of setbacks and distances.



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The approval of this application does not relieve the owner from the requirements of the Ontario Building Code or any other relevant regulatory control that may affect the use and development of the request (i.e. Conservation Authority Regulatory Controls, Zoning By-Law Regulations, etc.)

### Affidavit of Owner/Agents

I/We \_\_\_\_\_, being the registered owner(s) or acting on behalf of the owners of the subject land hereby authorize and consent to the use of 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 purpose of processing this application.

I/We hereby recognize that a purchase price will be established by the Township based on the attached schedule.

I/We \_\_\_\_\_ of the \_\_\_\_\_ in the \_\_\_\_\_  
(name of owner(s) agent(s)) (City in which you reside)

\_\_\_\_\_ in the \_\_\_\_\_  
(County/upper-tier municipality, if applicable) (Province/State)

solemnly declare that all of the above statements contained in this application are true, and I/we make this solemn declaration conscientiously believing it to be true and known that this is of the same force and effect as if it were made under oath.

Declared before me at the Township of South Frontenac,  
In the County of Frontenac, Province of Ontario

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature(s) of Owner(s)/Agent(s)

Personal information contained in this form is collected under the authority of the *Municipal Act*, and will be used to determine the eligibility of the proposed request.



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### Checklist-

The following must be provided in order for the application to be deemed complete. Incomplete applications will not be considered.

- Application Form **[all sections must be complete]**
- A map of the portion of unopened road allowance requested to be closed and conveyed, including:
  - Boundaries and dimensions
  - Adjacent Land Parcels
  - Use of adjacent land parcels
  - Location of buildings/septic systems/wells on adjacent land parcels
  - Location of any existing rights-of-way/easements on adjacent parcels
  - Identification of steep slopes, rock outcroppings, low lying areas and other topographical features that may affect the property and drainage on and off site
  - Identification of other natural features (e.g. wetlands, waterbodies, watercourses, woodlots, etc.)
  - Identification of artificial features (e.g. roads, trails, hydro poles and hydro lines, utilities, ditches, drains and well).
- Application fee and deposit (as per fee by-law)
- Copy of Property Transfer / Deed of Land (that you own) Adjacent to Road Allowance



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### Schedule A

In order for the Township to legally transfer (sell) a portion of the unopened road allowance to the applicant(s), the procedure and costs are as follows:

#### **APPLICATION FEE & DEPOSIT:**

Planning Fee: \$510 covers Planning Staff time to conduct site visit, prepare reports and bylaws and all ancillary matters pertaining to the purchase and sale of the road allowance.

The \$3,000 deposit covers the costs of advertising for 4 weeks (as required by the Township's Notice Policy), and any legal or other fees incurred by the municipality. Any remaining funds will be refunded to the applicant upon completion of the transfer of the road allowance.

#### **COUNCIL & BY-LAWS:**

Staff will take a report to Council to obtain direction as to whether Council is agreeable to stop up, close, sell and transfer the requested portion of the unopened road allowance. Council may, deny or only permit a portion of the request to stop up, close and sell a portion of a road allowance.

Once the required advertising has taken place and the survey has been received, Council will hold a public hearing on the road closure, and will consider a by-law to officially close and sell the relevant portion of the unopened road allowance. At this time, Council will consider the input from anyone who claims that he or she will be affected by the road closing. Council has the right to deny the application based on citizen input.

While there is no requirement for the municipality to sell a portion of the unopened road allowance to all abutting property owners, Council will take the wishes of such property owners into consideration in making its decision as to the disposition of the allowance. If an applicant wishes to purchase the entire road allowance, he/she should obtain a letter from any abutting property owners indicating that they have no interest in obtaining a portion of the closed road allowance.

A by-law will be passed by Council to stop up and close the road allowance and to transfer the property. These documents will be registered on title of the property by the Township lawyer.

#### **SURVEY:**

The applicant is responsible for obtaining a survey from an Ontario Land Surveyor, showing that portion of the road allowance which will be conveyed by the Township. If there is more than one owner who will be purchasing a portion of the closed road allowance, each parcel must be shown as a separate part on the plan. A copy of the Survey, in draft form, will be required to be submitted to Township staff for review prior to the preparation of the by-law to stop up and close the road allowance to the applicant.





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Once the survey has been approved by staff it shall be deposited by the Surveyor to the Land Registry Office. A registered copy of the survey in digital and paper form (at least 2 copies) is required prior to the preparation of the by-law to be taken to Council.

### **PAYMENT OF PURCHASE PRICE:**

Payment of the purchase price, as directed by Council, is required in the form of certified cheque or bank draft made payable to the Township of South Frontenac before staff will forward the documentation to the Township lawyer to complete the transfer of the unopened road allowance to the applicant.

### **DEED:**

The lawyer for the Township will prepare the Transfer and forward all necessary paperwork to the applicant or their lawyer (if the applicant so wishes to obtain legal counsel). If the applicant chooses to forego their right to separate legal counsel, the Township's lawyer will provide the paperwork to the applicant and will register the Transfer upon receipt of signed documents (following payment of purchase price to the Township by way of certified cheque or bank draft).

### **EXPENSES:**

It is the policy of the Township of South Frontenac that all expenses in the road closing process are covered by the applicant. We would advise that the following are the usual expenses incurred in this matter:

- a) Purchase price of land as per attached Schedule B (plus HST)
- b) Advertising expense (4 times in local paper)
- c) Township administrative fees (\$510)
- d) All legal fees
- e) Survey costs

Items b & d, as well as any unexpected costs incurred by the municipality, are intended to be covered by the \$3000 deposit, and any unexpended funds are refunded once the Transfer has been completed. However, if for any reason, additional costs arise in processing the road closing application, these will be charged to the applicant.

**NOTE: Anyone proposing to request the closure of an unopened road allowance should be aware that it is Council policy not to close road allowances which lead to water. However, extenuating circumstances will be considered.**



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### Schedule B

#### Unopened Road Allowance Purchase Price

<u>Land Class</u>	<u>Price per Square Foot</u>
Residential Lot on water	\$2.41
Residential Lot (1 – 2 acres)	\$0.80
Acreage, farm	\$0.25
Acreage, bush	\$0.21
Commercial	\$1.03
Minimum purchase price - \$1,000	

**Residential Lot on Water** — any portion of the closed road allowance which lies within 300 ft .of the water - \$2.41/sq. ft. If the applicant owns 2 acres or less then the remainder of the allowance -i.e. after the first 300 ft. – is charged out at \$0.80/square foot and if the property is over 2 acres, the remainder of the allowance is charged out at \$0.21/square foot.

**Residential Lot** — closed road allowance adjacent to a property of 2 acres or less (where the allowance does not abut water or where a portion of the allowance is more than 300 ft. from the water)

**Acreage, farm** — where a road allowance runs through a field dividing two farm properties

**Acreage, bush** — where a road allowance is located on land not suitable for agriculture (i.e. hilly and/or rough terrain)

**Commercial** — enlargement of commercial property through addition of a closed road allowance

The municipality reserves the right to amend these fees under special circumstances, **which may include, but are not necessarily limited to, the following:**

- a) When considering the sale of a closed road allowance where construction has taken place on a road allowance and where it can be demonstrated that the relevant portion of road allowance has not been correctly identified by surveyors or the Township, Council **MAY** waive, or reduce, the fee for the portion of the road allowance that lies within, or adjacent to, the original lot.
- b) When considering the sale of a closed road allowance that divides an individual's property and makes it impossible, because of zoning by-law requirements, for the



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owner to construct an accessory building on the separate parcel, Council **MAY** reduce the fee for the portion of road allowance that separates the two parcels.

**NOTE:** Such exceptions or amendments will not apply to the purchase price of closed road allowances when the purpose of closing the allowance is **solely** to enlarge the applicant's property.

