

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2013-038

Being a By-law to Establish a Procedure for the Closure and Sale of Unopened Road Allowances, and to Repeal By-law No. 2013-022 and all other By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith.

WHEREAS, Section 26 of the Municipal Act, 2001, S.O. 2001, c.25 as amended states highways includes all road allowances made by the Crown surveyors that are located in municipalities, and all road allowances, highways, streets and lanes shown on a registered plan of subdivision. 2001, c.25, s.26.

AND WHEREAS, Section 27 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a municipality may pass by-laws in respect of a highway it has jurisdiction over;

AND WHEREAS, Section 43 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a municipality that permanently closes a highway shall not convey the land forming the highway if it is covered with water without the consent of the Ministry of Natural Resources;

AND WHEREAS, the Ministry of Natural Resources, in correspondence dated March 19, 2009 has consented to the Township of Seguin transferring (closing & selling) the flooded portions of Municipal Original Road Shore Allowances adjacent to private land owners where Council is of the opinion that this is appropriate;

AND WHEREAS, Section 270 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a municipality shall adopt and maintain certain policies including policies for the sale of lands and the provision of notice;

AND WHEREAS, notice of this By-law was provided in the March 20th, and 27th, 2013 editions of the Parry Sound North Star;


AND WHEREAS, the municipality wishes to amend its policies that established procedures to deal with the closure and sale of unopened shore road allowances and unopened concession road allowances.

NOW THEREFORE the Council of the Township of Seguin hereby enacts as follows:

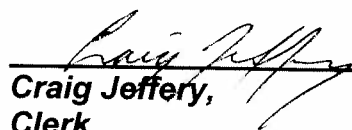
1. **THAT** the Policies and Procedures, Application Form and checklist for Shore Road Allowance closures attached as Schedule "1" is hereby adopted.
2. **THAT** the Policies and Procedures, Application Form and checklist for Concession Road Allowance closures attached as Schedule "2" is hereby adopted.
3. **THAT** By-law No. 2013-022 and all other By-laws, Resolutions, or parts thereof, contrary hereto or inconsistent herewith are hereby repealed.
4. **THAT** this By-Law shall come into full force and effect upon passage thereof.

READ a FIRST, SECOND and THIRD TIME, ENACTED and PASSED, this 3rd day of June, 2013.





David Conn,
Mayor



Craig Jeffery,
Clerk

Schedule "1" to By-law No. 2013-038

**TOWNSHIP OF SEGUIN
SHORE ROAD ALLOWANCE CLOSURES
NON-REFUNDABLE APPLICATION FEE - \$750.00
POLICY AND PROCEDURES**

The following are the steps which are required by the property owner:

1. Property owner (hereinafter referenced as the "Applicant") must submit a completed application to the Township of Seguin, to purchase the shore road allowance abutting the Applicant's property. This application must be accompanied by a sketch, clearly indicating the shore allowance which is the subject of this request. Please include the legal description for your property *and the non-refundable Application Fee of \$750.00 for single application.*
2. The Township will consider joint applications. For each additional "neighbour application" each neighbouring property owner (Neighbouring Applicant) shall complete a separate application form. An *additional \$100.00* non-refundable fee is required per "Neighbouring Applicant". A maximum of four (4) neighbouring owner applications may be considered with the initial application (i.e. a joint application is limited to a total of 5 properties). All applications should be submitted together as one package.
3. Upon submission of a complete Application form as determined by Township Staff the application will be forwarded to the designated Municipal Solicitor to continue the application process and where approved, the conveyancing matters.
4. The application process will not continue until such time as all deposits, surveys and other documentation have been supplied to the designated Municipal Solicitor.
5. Estimated Legal Costs:

Legal & Processing Fees	\$2,000.00 - \$3,000.00
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6. Land Value Costs determined as to distance along the chord:

<u>Property-Large Lakes</u>	
• Lake Joseph,	
• Little Lake Joseph,	
• Lake Rosseau	
• Georgian Bay	\$90.00/metre
<u>Property-Small Lakes</u>	
• All others	\$60.00/metre

As of March, 2009, the Ministry of Natural Resources has authorized the municipality to sell those parts of road allowance which are covered by water. For pending and future applications, the Township will approve and transfer title to flooded lands, if staff confirm the transfer is appropriate. For past applications where title to the flooded portion of the road allowance was retained by the municipality, an abutting owner may apply to acquire title to the flooded portion, at a purchase price of \$1.00, together with payment of the Township's application fees and all other expenses or costs incurred by the Township in completing the transfer.

Any objections received from the public on a specific closing and deemed valid by Staff will be referred to Council for a decision.

All expenses or costs arising from or in relation to the application incurred by the Township and any fee charged by the Township are the responsibility of the Applicant. If the application and transfer process is not completed for any reason, the Applicant is responsible for any Township costs incurred up to that time, including any Taxes, if applicable.

7. The Applicant will take all steps/actions required by the Township to effect a merger of the acquired lands with the Applicant's abutting lands. Among other things, the Applicant may be required to make application to Council to deem the Applicant's abutting lands not to be within a Plan of Subdivision to effect the merger. Where a legal merger will not be obtained, the Applicant may be required to consolidate the acquired lands with its abutting lands into one parcel register. The applicant shall be responsible for all costs incurred by the Township concerning the foregoing processes/applications.
8. Council may impose any condition upon the sale and transfer of the closed road allowance that it considers necessary and appropriate. This may include registration of a prohibition or restrictive covenant on title of the lands.
9. Council may choose not to stop up and sell all or part of a shore road allowance that is adjacent to an Environmental Protection zones as identified in the Township Zoning By-law 2006-125 or which consists of steep slopes or other natural features that are considered by Council to have environmental importance.
10. The Township will consider the sale of Shore Road Allowances except when:
 - i) In Council's opinion the SRA is used for Public access or Municipal purposes or has the potential for Public or Municipal use in the future.
 - ii) The abutting neighbours are not in agreement for a legitimate reason with the mutual boundary or the privatization of the shore road allowance as determined by Council.
11. Seguin Township Council adopts the following policy with respect to requests to stop up and sell shore road allowances:
 - i) Before a by-law is passed, the applicant shall submit a survey showing the location of all existing structures on the shore road allowance.
 - ii) The Transfer shall be prepared by the Township Solicitor.

Shore Road Allowance Applications should be finalized within 18 months of receipt of a complete application. Failure to do so will result in the application being brought forward to Council with a recommendation for termination.

12. The Applicant shall be responsible for their own costs.



Township of Seguin
Application for

UNOPENED SHORE ROAD ALLOWANCE

**IT IS RECOMMENDED THAT YOU CONSULT WITH THE TOWNSHIP
PLANNING DEPARTMENT PRIOR TO SUBMITTING YOUR
APPLICATION.**

APPLICATION FOR SHORE ROAD ALLOWANCE CHECKLIST

Please ensure you have completed the following prior to submitting your application:

1. It is required that 1 copy of this Application be filed with the Township of Seguin, together with the sketch referred to in Note 2, accompanied by a non-refundable application fee of \$750.00 and an additional \$100.00 non-refundable fee is required per neighbouring applicant should a joint application be submitted, in cash or by cheque, made payable to the Township of Seguin.
2. Each copy of this application must be accompanied by a sketch showing the following:
 - The boundaries and dimensions of the subject land.
 - The boundaries and dimensions of the Shore Road Allowance lands proposed to be purchased.
 - The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
 - The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - The current uses on land that is adjacent to the subject land.
 - The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or right-of-way.
 - If access to the subject land is by water only, the location of the parking and docking facilities to be used.
 - The location and nature of any easement affecting the subject land.

If you require additional assistance regarding this application please contact the Planning Department at:

**Township of Seguin
5 Humphrey Dr.
Seguin, ON, P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846**



Township of Seguin
Application for
Shore Road Allowance

OFFICE USE ONLY		Date Stamp:
Application No.: RAS- _____		
File Name: _____		
Civic Address: _____		
Application Complete:	Fee Received:	
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
<input type="checkbox"/> No	<input type="checkbox"/> No	

ROLL # 4903-_____ - _____ - _____ - 0000

Did you consult with the Township Planning Department? Yes No

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only.

Primary Contact: _____

a) **Registered Owner(s):** _____

(List all owners and contact information if multiple exist)

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

b) **Agent:** _____

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

2. DESCRIPTION OF APPLICANT'S ABUTTING LANDS AND SHORE ROAD ALLOWANCE LANDS

- a) Concession(s): _____
- b) Lot(s): _____
- c) Registered Plan No. : _____ Lot(s)/Block(s): _____
- d) Reference Plan No. : _____ Part(s): _____
- e) Geographic Township (former municipality) : _____
- f) Civic Address: _____
- g) Dimensions of the Applicant's abutting lands:

Frontage (m)	Depth (m)	Area (ha)

- h) Existing uses of the Applicant's abutting lands:

- i) Proposed uses of the Applicant's abutting lands:

- j) Dimensions of the Shore Road Allowance lands proposed to be purchased.

Frontage (m)	Depth (m)	Area (ha)

- k) Existing uses of the Shore Road Allowance lands:

- l) Proposed uses of the Shore Road Allowance lands:

3. DIRECTIONS: HOW TO GET THERE

Civic Address: _____

Directions from the Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

4. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), _____ the undersigned, being the
Registered Owner(s)
 Registered Owner(s) of the subject land, hereby authorize _____
Agent
 to act as my Agent with respect to the preparation and submission of this Application.

 Signature of Owner Date

 Signature of Owner Date

5. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form is collected and maintained pursuant to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56, and will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

 Signature of Owner Date

 Signature of Owner Date

 Signature of Witness Date

6. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I _____ (Owner(s)/Agent) of the _____

of _____ in the County/District/Regional Municipality of _____

do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the _____

in the _____ of _____

this _____ day of _____, 20_____.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Signature of Commissioner

Commissioners Stamp

7. ADDITIONAL FEES

If Planning, Surveying and/or legal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

Signature of Owner(s)/Agent

Date

Please submit this application to the Township of Seguin Planning Department at:

**Township of Seguin
5 Humphrey Dr.
Seguin, ON, P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846**

Schedule "2" to By-law No. 2013-038

**TOWNSHIP OF SEGUIN
CLOSING OF ORIGINAL CONCESSION ROAD ALLOWANCES
NON-REFUNDABLE APPLICATION FEE - \$750.00
POLICY AND PROCEDURES**

The Township of Seguin maintains that Concession Road Allowances leading to water bodies should remain in Township ownership to ensure that access to all water bodies is available to the public now and in the future.

The Township will not stop up, close and sell any portion of these allowances **except under certain conditions and subject to the following:**

1. In the event the Concession Road Allowance abuts a water body, Township Council may undertake a site visit to determine if it is in the best interest of the Municipality to close and sell the Concession Road Allowance.
2. Township Council, in its sole discretion, may decline to close and sell a road allowance leading to a water body where it has determined in its sole discretion that there is presently or may be in the future inadequate public access to the water body.
3. The Township must be assured that the portion of Concession Road Allowance subject to the closure request would not now or in the future be necessary for road or access purposes 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.
4. The Township will only consider closure of the entire width of the subject road allowance. Generally, the Township will convey half of the width of the Road Allowance to each abutting land owner unless there is agreement between the abutting landowners (which agreement may include a landowners written expression that it does not wish to purchase any portion of the road allowance) Where abutting landowners have agreed upon a different allocation of the road allowance Council may proceed to complete the transfer in accordance with such agreement.
5. The Applicant will be responsible for the non-refundable application fee of \$750.00 as well as a retainer in an amount deemed as appropriate by Township Staff for an independent appraisal which will be arranged for by the Township after the retainer for the appraisal fee has been received.
6. Any objections received from the public on a specific closing and deemed valid by Staff will be referred to Council for a decision.
7. All expenses or costs arising from or in relation to the application incurred by the Township and any fee charged by the Township are the responsibility of the Applicant. If the application and transfer process is not completed for any reason, the applicant is responsible for any Township costs incurred up to that time, including any Taxes, if applicable.
8. The Applicant will take all steps/actions required by the Township to effect a merger of the acquired lands with those other lands owned by the Applicant which abut the acquired lands. Among other things, the applicant may be required to make application to Council to deem the Applicant's abutting lands lot not to be within a Plan of Subdivision to effect the merger. Where a legal merger will not be obtained, the Applicant may be required to consolidate the acquired lands with its abutting lands into one parcel register. The applicant shall be responsible for all costs incurred by the Township concerning the foregoing processes/applications.
9. Council may impose any condition upon the sale and transfer of the closed road allowance that it considers necessary and appropriate. This may include registration of a prohibition or restrictive covenant on title of the lands.
10. Council may choose not to stop up and sell all or part of a Concession Road allowance that is adjacent to an Environmental Protection zone as identified in the Township Zoning By-law 2006-125 or which consists of steep slopes or other natural features that are considered by Council to have environmental importance.
11. The Transfer shall be prepared by the Township Solicitor.
12. The Applicant shall be responsible for their own costs.

13. For the purposes of this policy, a forced or trespass road or a road in a registered plan of subdivision may be considered for closure and sale in same manner as a Concession Road Allowance hereunder.

Concession Road Allowance Applications should be finalized within 18 months of receipt of a complete application. Failure to do so will result in the application being brought forward to Council with a recommendation for termination.

NOTE: On the 9th day of January, 2006 Seguin Township Council passed By-Law 2006-001 (being a By-Law to adopt a new Official Plan for the Township of Seguin). The official plan was approved by Ministry of Municipal Affairs and Housing with modifications, on March 27, 2007.

Section E.2.6 Road Closure Policy reads as follows:

“Generally, concession roads and other roads that terminate at lakes and shoreline road allowances that abut Type 1 fish habitat or provide access to adjacent lands should not be sold”.



Township of Seguin
Application for

UNOPENED CONCESSION ROAD ALLOWANCE

**IT IS RECOMMENDED THAT YOU CONSULT WITH THE
TOWNSHIP PLANNING DEPARTMENT PRIOR TO SUBMITTING
YOUR APPLICATION.**

APPLICATION FOR CONCESSION ROAD ALLOWANCE CHECKLIST

Please ensure you have completed the following prior to submitting your application:

1. It is required that 1 copy of this Application be filed with the Township of Seguin, together with the sketch referred to in Note 2, accompanied by a non-refundable application fee of \$750.00 in cash or by cheque, made payable to the Township of Seguin.
2. Each copy of this application must be accompanied by a sketch showing the following:
 - The boundaries and dimensions of the subject land.
 - The boundaries and dimensions of the Concession Road Allowance proposed to be purchased.
 - The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
 - The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - The current uses on land that is adjacent to the subject land.
 - The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or right-of-way.
 - If access to the subject land is by water only, the location of the parking and docking facilities to be used.
 - The location and nature of any easement affecting the subject land.

If you require additional assistance regarding this application please contact the Planning Department at:

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5 Humphrey Dr.
Seguin, ON, P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846



Township of Seguin
Application for
Concession Road Allowance

OFFICE USE ONLY		Date Stamp:
Application No.: RAC- _____ - _____ - _____		
File Name: _____		
Civic Address: _____		
Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fee Received: <input type="checkbox"/> Yes <input type="checkbox"/> No	

ROLL # 4903-_____ - _____ - _____ - 0000

Did you consult with the Township Planning Department? Yes No

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only.

Primary Contact: _____

a) Registered Owner(s): _____

(List all owners and contact information if multiple exist)

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

b) Agent: _____

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

2. DESCRIPTION OF APPLICANT'S ABUTTING LANDS AND CONCESSION ROAD ALLOWANCE LANDS

a) Concession(s): _____

b) Lot(s): _____

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : _____ Part(s): _____

e) Geographic Township (former municipality) : _____

f) Civic Address: _____

g) Dimensions of Applicant's abutting lands:

Frontage (m)	Depth (m)	Area (ha)

h) Existing uses of the Applicant's abutting lands:

i) Proposed uses of the Applicant's abutting lands:

j) Dimensions of the Concession Road Allowance lands proposed to be purchased.

Frontage (m)	Depth (m)	Area (ha)

k) Existing uses of the Concession Road Allowance lands:

l) Proposed uses of the Concession Road Allowance lands:

3. DIRECTIONS: HOW TO GET THERE

Civic Address: _____

Directions from the Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

4. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), _____ the undersigned, being the
Registered Owner(s)
Registered Owner(s) of the subject land, hereby authorize _____
Agent
to act as my Agent with respect to the preparation and submission of this Application.

Signature of Owner

Date

Signature of Owner

Date

5. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form is collected and maintained pursuant to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56, and will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

Signature of Owner

Date

Signature of Owner

Date

Signature of Witness

Date

6. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I _____ (Owner(s)/Agent) of the _____

of _____ in the County/District/Regional Municipality of _____

do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the _____

in the _____ of _____

this _____ day of _____, 20_____.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Signature of Commissioner

Commissioners Stamp

7. ADDITIONAL FEES

If Planning, Engineering and/or legal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

Signature of Owner(s)/Agent

Date

Please submit this application to the Township of Seguin Planning Department at:

**Township of Seguin
5 Humphrey Dr.
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