

APPLICATION FOR CLOSURE AND PURCHASE OF ROAD ALLOWANCE

INFORMATION SHEET FOR APPLICANT

1. Completion of Application

The attached application form is to be completed and submitted to the Dysart Planning and Land Information Department. In all cases, please ensure that you keep a copy for your files. The applicant is advised to approach the Planning and Land Information Department for policy information before making a formal application.

Every application must be complete. All applicable information requested on the application form must be provided before the application will be considered by Council.

2. Authorization of Agent

The application should be completed by the property owner or his authorized agent. Where the application is being submitted by an agent, the written authorization of the owner is required. Section "4" of the application is provided for this purpose.

3. Acknowledgment of Mortgagee

Where an encumbrance exists on the applicant's property, the applicant must complete Section 6: Mortgagee Acknowledgment or similar authorization.

4. Application Fee and Planning Services Acknowledgment

Each application shall be accompanied by the application deposit (cash, e-transfer, cheque - made payable to the Municipality of Dysart et al) in the amount of \$1550.00, and shall be accompanied by one signed, witnessed and dated copy of the attached "Planning Services Acknowledgment". The application fee will be based on the Municipality's Fees and Charges By-law. Below is a summary of the application fee schedule.

Road Closing Application	\$800.00
Purchase Price for Shoreline Road Allowance:	\$4000.00 for first 150 feet of water frontage; plus \$16.00 per foot of frontage thereafter
Purchase Price for Buildings on Road Allowance:	\$300.00
Deeming Bylaw to Accompany Road Allowance Closure and Purchase:	\$200.00

5. Plans Required

Each application shall be accompanied by two (2) hardcopies and one (1) digital copy of a plan showing:

- (a) The boundaries and dimensions of the property.
- (b) The accurate location, size and type of all proposed and existing buildings and structures on the property.
- (c) The distance (setbacks) from side, rear and front lot lines of all existing or proposed buildings.
- (d) The location, width and names of all roads within or abutting the property, indicating whether they are public traveled roads, private roads or rights of way or unopened road allowances. The location and number of parking and loading spaces, ingress, egress and direction of traffic.

- (e) The location of all natural and artificial features on the property (i.e. railways, wells, septic tanks, drainage ditches, watercourses, slopes, swamps, wooded areas), the location of any of these features on adjacent lands which may affect the proposal, and any proposed changes to the land, such as grading, blasting, planting or channelization.
- (f) The use of adjoining lands (i.e. residential, agricultural, commercial, etc.).
- (g) The location and nature of any restrictive covenant or easement affecting the property.

6. Additional Information

Additional information may be required to properly process the application, and will be requested if necessary.

7. Declaration Required

The contents of this application and any maps/appendices shall be validated by the applicant in the form of a statutory declaration before a Commissioner or other person empowered to take affidavits.

8. Responsibility of Applicant

The filing of this application is considered as an undertaking by the applicant to accept all conditions as herein set forth.

9. Effective Date

The effective date of this application shall be deemed to be that on which it is received with sufficient information.

10. Submission-

Mail or deliver the application to: The Municipality of Dysart et al
Planning and Land Information Department
135 Maple Avenue
P.O. Box 389
Haliburton, Ontario
K0M 1S0
info@dysartetal.ca

APPLICATION FORM

FOR CLOSURE AND PURCHASE OF ROAD ALLOWANCE

The undersigned hereby applies to the Municipality of Dysart et al for the closure and purchase of an allowance for road shown herein.

1. **APPLICANT AND OWNERSHIP INFORMATION:**

(a) Applicants Name: _____

Address: _____

_____ Postal Code: _____

Telephone No.: Home: _____ Bus. _____

Email: _____

(b) Registered Owner Name: _____

Address: _____

_____ Postal Code: _____

Telephone No.: Home: _____ Bus. _____

Email: _____

Date of Birth: _____

(c) Encumbrances (eg. Mortgages): Yes _____ No _____

If "yes": Name: _____

Address: _____

Contact: _____

***Please see Section 6: Mortgagee Acknowledgement**

(d) Reason For Request: _____

(e) Legal Description of Road Allowance to be Closed: _____

(f) Legal Description of Registered Owners Land: _____

(g) If the Council of the Corporation consents to the closing of the allowance, will any person(s) be deprived of a means of ingress and egress to and from his land or place of residence?

(h) If so, a written authorization from the person(s) so affected is required to be submitted with the application.

(i) Will an alternative access be required, and if so, how and where will it be provided? Again, written consent from the person(s) so affected is required.

(j) If the application is for the closure of an original allowance for road other than a shoreline road allowance, it is the policy of the Municipality to offer one-half of the road allowance to the property owner(s) on either side. If both parties intend to purchase, then both parties must sign the application. If either party does not want to exercise their option to purchase, they must sign a statement waiving this option and consenting to the closure and sale of the road allowance.

(k) If the application is for the closure of an original shoreline road allowance, the Municipality may only stop up, close and convey to the adjacent property owner that portion of the allowance which lies above the high water mark. In this case, the Municipality will circulate a copy of the preliminary survey to the abutting owners to inform them of the proposed lot line extensions.

(l) Applicants will be responsible for all legal, survey, advertising and administrative costs in addition to the actual purchase price of the land.

2. NEIGHBOUR CONSENT:

a) I, _____, neighbour of _____ understand that they have _____ made application to the Municipality to purchase the Original Shoreline Road allowance in front of their property, and have no objections to their application. I also understand that I will have the opportunity to review and _____ comment upon the preliminary plan.

Date: _____ Owner(s) Signature: _____

b) I, _____, neighbour of _____ understand that they have _____ made application to the Municipality to purchase the Original Shoreline Road allowance in front of their property, and have no objections to their application. I also understand that I will have the opportunity to review and _____ comment upon the preliminary plan.

Date: _____ Owner(s) Signature: _____

c) If the applicant/owner is unable to obtain the signatures of all owners of the neighbouring properties, please sign below. "Section 2. Neighbour Consent", is in place for the applicant's protection, by making the applicant aware of any neighbour concerns prior to proceeding with this application or other permits and applications, which may be revoked if the road closing application is not completed. By signing below, you understand that your neighbours have not given consent to this application and this may result in the application failing.

Date: _____ Owner(s) Signature: _____

Date: _____ Owner(s) Signature: _____

3. DEEMING BY-LAW CAUTION:

I, WE _____ own Lot _____ Plan _____ geographic Township of _____. In order to add the subject road allowance to our property, I (we) understand that the Municipality must pass a by-law pursuant to section 50(3) of the Planning Act. I (we) understand that I (we) must now take care how we register adjoining parcels which we own as they may merge with Lot _____ Plan _____. I (we) consent to the passage of said by-law. I (we) understand and agree to pay the \$200.00 non-refundable administration fee for the Deeming By-law.

WITNESSED BY:

Per: _____
Owner's Signature

Per: _____
Owner's Signature

DATE: _____, 20____

4. AUTHORIZED AGENT(S):

If the applicant is not the owner(s) of the land that is subject of this application, the owner(s) must complete the following or a similar authorization:

I/We, _____, am/are the registered owner(s) of the lands subject of this application and I/we hereby authorize _____ to prepare and submit this application on my/our behalf and, for the purposes of the Freedom of Information and Protection of Privacy Act, to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: _____ Owner(s) Signature: _____

5. CONSENT OF THE OWNER(S):

I/We, _____, are the registered owner(s) of the lands subject of this application and, for the purposes of the Freedom of Information and Protection of Privacy Act, I/we hereby authorize and consent to the use by, or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application. I/we also authorize and consent to representatives of Council, committee members, municipal staff and/or any consultant/professional employed by the municipality for the purpose of processing this application, entering upon the lands subject of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of this application.

Date: _____ Owner(s) Signature: _____

6. MORTGAGEE ACKNOWLEDGEMENT:

I, _____, signing officer for _____ understand that the applicants have made application to the Municipality to purchase either the shore road allowance or the original road allowance adjacent to their property, and have no objections to their application.

Date: _____ Signing Officer(s) Signature: _____

7. AFFIDAVIT:

I, WE _____ of the Township/Town/City of _____ in the County/District/Region of _____ 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 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 _____)
_____)
of _____ in the _____)
_____)
of _____ this _____)
Agent
day of _____, 20____)

Signature of Owner(s) - or Authorized

Signature of Commissioner, etc.

The following acknowledgement must be signed by the registered owner(s), witnessed and dated:

SECTION “G” – PLANNING SERVICES ACKNOWLEDGEMENT

The filing of this application is considered as an undertaking by the registered owner(s) to accept all terms and conditions as set forth herein. Where the applicant is not the registered owner(s), the owner will be responsible for any and all outstanding costs related to the processing of this application.

APPLICANT’S RESPONSIBILITY:

1. The Applicant agrees to provide the Municipality with the following:
 - (a) Any information in the Applicant’s possession concerning all planning matters with respect to this application.
 - (b) All surveys, drawings, sketches or plans as required to process this application.
 - (c) The required application fee as determined by the Municipality’s Fees and Charges by-law, and provided during the mandatory pre-consultation process.
2. The Applicant understands and agrees that where the services of the Municipal Solicitor are required to process this application, the Applicant shall reimburse the Municipality for all such costs immediately upon receipt of an invoice.
3. The Applicant understands and agrees that where the Municipality is required to engage the services of any other professional, including but not limited to, a surveyor, or appraiser to process this application, the Applicant shall reimburse the Municipality for all such costs immediately upon receipt of an invoice.

MUNICIPALITY’S RESPONSIBILITY:

5. The Municipality agrees to process the application in accordance with the provision of the Municipal Act, 2001.

SITE VISITS:

6. The Owner(s) acknowledges that Municipal staff, Councillors or Committee members may be required to visit the property which is the subject of this application in order to process this application. The Owner(s) consents to such site visits as may be required.
7. The Owner(s) acknowledges that the processing of this application may require the taking of pictures, either still or video, of the subject property. The Owner(s) consents to such pictures as may be required.

DEPOSITS / INVOICES:

8. The Municipality may require the payment of deposits upon submission of any application. Deposits may be applied to cover peer review fees, professional fees should the Municipality require the expertise or advice of a third party consultant, as well as any legal costs incurred. Where the Municipality finds it necessary to make use of professional assistance in the processing of this application, the Municipality will request a deposit from the applicant to cover the cost of the service and processing of the application will not continue until the deposit is received by the Municipality. The deposit will be requested upon submission of the application.

Should fees exceed the initial deposit received, the Municipality shall request further deposits or payments of invoices. Additional funds may be requested from time to time, to fully cover the municipal expenses. Work will not be completed by the Municipality, its solicitor or consultants until such deposit has been paid by the applicant.

The Municipality will keep an accurate record of all costs incurred with respect to planning applications. Upon completion of the processing of an application, the Municipality will reconcile the account for the applications where a deposit has been paid. A refund of the deposit will be made with the exception of those costs incurred by the Municipality.

The applicant agrees to pay promptly, interim accounts from time to time in respect of all reasonable expenses incurred by the Municipality, payment for which has been made by the Municipality or invoices for which have been received by the Municipality.

Below is a summary of the deposits as per the Municipality's Fees and Charges By-law:

Legal Fees Deposit:	\$750.00
Professional Services Deposit:	\$2500.00

WITNESSED BY:

Per: _____
Signature of Owner

Per: _____
Signature of Owner

DATE: _____ **20** _____