

MUNICIPALITY OF DYSART ET AL

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 Department. In all cases, please ensure that you keep a copy for your files. The applicant is advised to approach the Planning 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 "D" 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 a certified cheque, payable to the Municipality of Dysart, in the amount of \$1000.00, and shall be accompanied by one signed, witnessed and dated copy of the attached "Planning Services Acknowledgment".

5. Plans Required

Each application shall be accompanied by two (2) copies 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 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 Department
135 Maple Avenue
P.O. Box 389
Haliburton, Ontario
K0M 1S0

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) APPLICANT'S NAME: _____
ADDRESS: _____
Postal Code: _____
TELEPHONE NO.: Home: _____ Bus. _____
EMAIL: _____

(b) REGISTERED OWNER'S 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) REASONS FOR REQUEST: _____

(e) LEGAL DESCRIPTION OF ALLOWANCE TO BE CLOSED: _____

(f) LEGAL DESCRIPTION OF REGISTERED OWNER'S 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: _____

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.

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 _____)
_____)
day of _____, 20_____)

Signature of Owner(s) - or Authorized Agent

Signature of Commissioner, etc.

This acknowledgement must be signed by the registered owner(s), witnessed and dated

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:

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 for processing of this application.
 - (c) The required application fee of \$1000.00.

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, etc. to process this application, the Applicant shall reimburse the Municipality for all such costs immediately upon receipt of an invoice.

MUNICIPALITY'S RESPONSIBILITY:

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

SITE VISITS:

5. The Applicant 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 Applicant consents to such site visits as may be required.

6. The Applicant acknowledges that the processing of this application may require the taking of pictures, either still or video, of the subject property. The Applicant consents to such pictures as may be required.

WITNESSED BY:

Per: _____
Owner's Signature

Per: _____
Owner's Signature

DATE: _____, **20**_____