



MUNICIPALITY OF DYSART ET AL

ROAD ALLOWANCES

1. No person shall perform any work, remove any trees, soil or other material or erect upon or use any road allowance without the specific approval of Council.
2. Applications for permission to use an unopened road allowance shall be submitted in writing to the CAO/Clerk. The application must state the intended use, the applicant's interest in the allowance, and be accompanied by an accurate location and description plan.
3. If permission is granted by Council to use the road allowance, the following policies shall apply, as determined by the Municipality.
 - a. The actual location of the allowance is the responsibility of the applicant and may be required to be verified by an Ontario Land Surveyor, at the expense of the applicant.
 - b. If a new entrance way is required, the approval of the Municipality's Road Superintendent as to its location, width, size and length of culvert to be installed and the grade at which it intersects the Township Road is required. Where entry is upon a roadway not under the jurisdiction of the Municipality, the standards and specifications of the County of Haliburton or the Ministry of Transportation shall apply.
 - c. If brushing and clearing of the road allowance is undertaken, all wood larger than 4 inches in diameter shall be piled for pick-up by the Municipality. Alternatively, the Municipality may agree to sell the wood to the applicant at a pre-set fee per face cord, the volume of wood sold to be determined jointly by the applicant and the Road Superintendent. All brush and stumps shall be cleared to the satisfaction of the Municipality.
 - d. If the application is for the provision of an access road, driveway or right-of-way, the minimum width of clearance shall be 16 feet. This 16 feet shall be located in the centre of the road allowance, leaving an equal buffer on either side of the cleared area, unless otherwise approved by Council.
 - e. The applicant shall acknowledge in writing that any and all improvements to the road allowance are at the sole expense of the applicant and all such improvements must be approved by the Municipality. The applicant must also acknowledge in writing that any member of the general public has the right to use the subject road allowance.
 - f. The applicant must post the road allowance with a notice, in a form acceptable to the Municipality, advising all users of the road allowance that the roadway is an unassumed Municipal roadway and is used at his/her own risk.
 - g. The applicant must acknowledge in writing that the Municipality assumes no liability, responsibility or obligation whatsoever to construct and/or maintain and/or repair the road allowance.
 - h. The applicant must agree to indemnify and save harmless the Municipal Corporation from any and all manner of actions, causes of actions, claims or demands whatsoever for or by reason of any personal injury and/or property damage of or in any way arising out of any accident whatsoever occurring on the road allowance.



ACKNOWLEDGEMENT

To: The Municipality of Dysart et al
P.O. Box 389
Haliburton, Ontario
K0M 1S0
Attention: Jeff Iles
Director of Planning and Land Information

Re: _____

I/We, _____ the owner(s) of

hereby acknowledge that:

1. Any and all improvements to the original allowance for road as described above are at my/our sole expense.
2. Any member of the general public has the right to use the above-referred to road allowance.
3. The above-referred to road allowance has been posted, informing users of the road allowance that the roadway is unassumed and is used at the risk of the user.
4. I/we further acknowledge that the Municipality of Dysart et al assumes no liability, responsibility or obligation whatsoever to construct and/or maintain and/or repair the said road allowance.
5. I/we hereby indemnify and save harmless the Municipal Corporation of the United Townships of Dysart et al from any and all manner of actions, causes of actions, claims or demands whatsoever for or by reasons of any personal injury and/or property damage of or in any way arising out of any accident whatsoever occurring on the above-mentioned road allowance.
6. This acknowledgement shall be binding upon the parties hereto and their legal representatives, successors, and assigns. I/we agree that with respect to any sale, lease, mortgage or other disposition of my/our lands as noted above, or any part thereof, I/we shall advise the new owner, lessee, chargee/mortgagee or other party of the terms of this acknowledgement.

DATED at _____ this _____ day of _____, 201____

DECLARED before me at the _____)
_____)
of _____ in the _____)
_____)
of _____ this _____)
day of _____, 20 _____)

Signature of Commissioner, etc.

Signature of Owner(s) – or Authorized Agent