

THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO

BY-LAW NO: 20-2009

Being a By-Law to amend By-Law No: 20-2002 setting policy, guidelines and fees for the purchase of 66 foot road allowances owned by the Municipality.

WHEREAS Part VI, Section 268 of the Municipal Act, 2001, as amended by Bill 130, Section 270(1) states: "A municipality shall adopt and maintain policies with respect to the following matter."

1. Its sale and other disposition of land.

NOW THEREFORE the Council of the Corporation of the Township of Carlow/Mayo **HEREBY ENACTS AS FOLLOWS:**

PREAMBLE: Certain road allowances were reserved in the original surveys of the Township of Carlow and the Township of Mayo, now known as the Township of Carlow/Mayo, including road allowances along the shores of certain lakes and rivers in these Townships.

Many cottages and/or their associated improvements within these municipalities have been constructed in whole or in part upon these road allowances and these encroachments have created little or no difficulty in the past. Generally, the Township of Carlow/Mayo has had no plan to alter the use of this type of land and further it is neither encouraging nor discouraging applications for purchase of 66 foot road allowances. The Township of Carlow/Mayo however, recognizes that in certain special and specific cases it is in the best interest of all concerned that the road allowance abutting one or more properties should be closed and conveyed to the abutting owner.

PRE-APPLICATION CONSIDERATIONS: Before submitting an application, the following matters should be considered:

1. Not all waterways have adjoining road allowances. An Ontario Land Surveyor or the Ministry of Natural Resources should be consulted to determine if a road allowance exists.
2. As part of the supporting documentation it will be necessary for the applicant to obtain signed, dated consents from adjoining property owners with respect to the sale and in particular it must be indicated that such owners have no objections to the proposed closure and sale.
3. While a registered reference plan as prepared by an Ontario Land Surveyor, and paid for by the applicant, will eventually be necessary to conclude a sale, at the outset an applicant need only submit a sketch illustrating the applicant's lands; the road allowance lands to be closed; the waterway; adjoining land owner(s) and the above noted "no objection" letter(s), duly signed by the adjoining owner(s). Under item 4 on the application, the applicant should explain in detail why the conveyance is required and indicate any encroachment of existing or contemplated improvements on the road allowance. Each application shall be dealt with on its own merits.
4. Applications may be subject to the approval of various other Agencies.
5. Irrespective of the outcome, all costs in respect to the application including all legal, administrative and advertising costs incurred by the Township of Carlow/Mayo shall be paid by the applicant.
6. Any property improvements (buildings, excavations, septic systems, etc.) carried out on the parcel of land after title is transferred shall conform to existing by-laws and regulations.

APPLICATION CONSIDERATIONS: The application will be considered to have commenced when the Township of Carlow/Mayo has on file the following:

1. A completed application form. Blank application is attached hereto as Schedule "A".

2. A non-refundable filing fee of \$ 1,000.00 is due and payable to the Township of Carlow/Mayo at the time of presentation of the application to the Township Office. The \$ 1,000.00 non-refundable filing fee includes \$400.00 filing/administration fee and \$600.00 legal fees to start the process. Irrespective of the outcome, all costs in respect to the application including all legal, administrative and advertising costs incurred by the Township shall be paid by the applicant. Further monies will be sought as required in furtherance of the application such as disbursements pertaining to legal costs and advertising costs, but not limited to, and the application will not proceed without such payment. In addition should the application be approved the amount charged for the land shall be \$3.00 per foot for the portion of unopened road allowance being closed (the actual distance to be determined is the sole discretion of the Municipality, based upon the Reference Plan provided by the applicant, generally being the straight line distance at its widest point), plus legal costs for land transfer tax and registering of deed and by-law. All costs shall be paid by the applicant prior to the signing officers of the Township of Carlow/Mayo, Reeve and Clerk-Administrator endorsing the deed.
3. A letter from each adjoining property owner(s) (see paragraph 2 under pre-application considerations). A sample letter is attached hereto as Schedule "B".
4. An accurate sketch (see paragraph 3 under pre-application considerations).

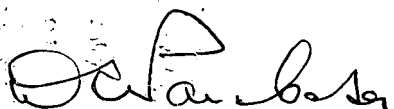
APPLICATION PROCEDURE: Once the completed application has been filed with the Municipal Office and approved by the Township of Carlow/Mayo Council it will then be necessary for the applicant to supply the Township of Carlow/Mayo with a preliminary or registered copy of a reference plan illustrating that portion of the road allowance to be closed and sold to the applicant. The general sequence of events after the Township of Carlow/Mayo Council approval is as follows:

1. The applicant's surveyor submits a preliminary copy of the reference plan to the Township of Carlow/Mayo Council for review and approval. If the road allowance being purchased fronts on a municipal road the Township of Carlow/Mayo Council may request that the 33 feet from the centre line of the township road be deeded to the Township of Carlow/Mayo and only the remaining 33 feet of the road allowance be conveyed to the applicant.
2. Once approved by the Township of Carlow/Mayo Council the reference plan shall be registered at the Registry Office and a registered copy filed with the Township Office.
3. The Township of Carlow/Mayo will effect the required public notices by publication in a local newspaper and by posting notices in appropriate public places and then hold a public meeting after which a by-law to close and sell the lands will come before the Township of Carlow/Mayo Council.
4. The Township of Carlow/Mayo solicitor will draft and forward to the applicant a draft copy of the deed for review by the solicitor for the applicant. The Township solicitor will forward a final accounting to the applicant for the cost of the land and any outstanding legal and administrative costs including the cost of registering the deed and by-law. Upon receipt of payment of the aforesaid costs and upon being advised that the draft deed is acceptable to the applicant's solicitor the deed will be executed by the signing officers of the Township of Carlow/Mayo, Reeve and Clerk-Administrator, and the applicant. After all parties have signed the deed the Township of Carlow/Mayo solicitor will attend to the matter of registration of the deed and by-law. The process is now completed.

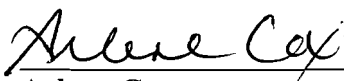
Schedule "A" and "B" are hereby attached as part of this by-law.

THAT this By-Law repeals all previous By-Laws and/or Motions of Council pertaining to same.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF JULY, 2009.



David Panabaker
Reeve



Arlene Cox
Clerk-Administrator

THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO
APPLICATION TO PURCHASE 66 FOOT ROAD ALLOWANCE

1. APPLICANT (Full name as appears on Deed)

ADDRESS

POSTAL CODE TELEPHONE

2. APPLICANT (Full name as appears on Deed)

ADDRESS

POSTAL CODE TELEPHONE

3. IF MORE THAN ONE APPLICANT (Please indicate one of the following)
() Joint Tenants () Tenants in Common
() Partnership

4. GIVE A BRIEF STATEMENT ABOUT WHY THE 66 FOOT ROAD ALLOWANCE IS REQUIRED. (INDICATE PRESENCE OF ANY EXISTING STRUCTURES OR ANY CONTEMPLATED IMPROVEMENTS ON THIS ROAD ALLOWANCE).

5. Give a description of relevant lands owned by applicant (s)

Concession _____ Lot _____ Registered Plan (if any) _____
Lot _____

Note: If applicant(s) own(s) more than one lot a separate application form must be submitted for each lot.

EACH OF THE APPLICANT(S) CERTIFY THAT:

I am/We are of the age of majority.

Hereby make application for the purchase of 66-foot road allowance adjacent to our/my property (described in paragraph 5 above).

Certify that the information given in this application is true and correct.

Promise to comply with all the guidelines, terms and conditions of this disposition should this application be accepted.

SIGNATURE OF WITNESS DATE SIGNATURE OF APPLICANT

SIGNATURE OF WITNESS DATE SIGNATURE OF APPLICANT

SAMPLE OF CONSENT LETTER

CONSENT

To: (Name of Applicant)

And To: The Township of Carlow/Mayo

Re: (Applicant's Name) purchase from the Township of Carlow/Mayo Road Allowance being Part of Lot _____, Concession _____ and designated as Part _____ on Plan _____

OR the attached sketch illustrating the applicant's lands; the road allowance lands to be closed; the waterway and adjoining land owner(s)

I, (Name of Adjoining Land Owner(s)) am the registered owner(s) of the lands to the _____ (e.g. east, west) and _____ (e.g. north, south) of the property described above.

I hereby confirm that I have no difficulty with the Township of Carlow/Mayo closing up that portion of the Road Allowance described as being Part _____ on Plan _____ and selling Part _____ on Plan _____ OR the attached sketch illustrating the applicant's lands; the road allowance lands to be closed; the waterway and adjoining land owner(s) to (Name of Applicant(s)).

Dated this _____ day of _____, _____.

(Adjoining Land Owner(s) Signature(s))
