

**THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS**

**BY-LAW NUMBER 34-2005**

Being a By-Law to establish procedures for the sale of land.

WHEREAS the Municipal Act. R.S.O. 2001, c. 25, section 268, provides that every Municipality which has the authority to sell land shall pass a by-law establishing procedures including the giving of notice to the public governing the sale of land;

AND WHEREAS the Municipality of Hastings Highlands deems it advisable to pass a by-law pertaining to the sale of shoreline road allowances;

NOW THEREFORE The Municipality of Hastings Highlands enacts as follows:

1. That the Municipality establishes the procedures set out in Schedule "A, B & C attached hereto as the procedures governing the closure and sale of shoreline road allowances.

2. That the Mayor and the CAO/Clerk of the Municipality be and they are hereby authorized and instructed on behalf of the Municipality to enter into and execute under its corporate seal and to deliver whatever documents as necessary to effect the closing and sale of shore road allowances in accordance with the said procedures.

3. That this By-Law shall take effect upon the third and final reading thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 10<sup>TH</sup> DAY OF AUGUST 2005.

  
MAYOR-DONALD C. BLOOM

  
CAO/CLERK DAWN HALCROW

## **SCHEDULE "A" TO BY-LAW 34-3005**

### **PROCEDURES FOR THE CLOSURE AND SALE OF SHORELINE ROAD ALLOWANCE**

1. A Shoreline road allowance or part thereof will only be closed upon an Application by the abutting landowner or owners.
2. The shoreline road allowance and any part of other road allowances abutting on water will only be closed above the high water mark. Flooded land will not be sold.
3. Payment of the sum of \$200.00 as non-refundable deposit will be submitted with the application to purchase.
4. If a building or buildings are located on a shoreline road allowance or other road allowance, Council may in its discretion close and sell only a portion of the road allowance. (i.e. 3 metre envelope around main building only).
5. The Municipality of Hastings Highlands will not become involved in any boundary line disputes.
6. The Applicant(s) shall pay all costs of the sale pertaining to the application and processing of the same including, but not limited to, administrative, legal fees and disbursements, survey and GST on all of the foregoing prior to the delivery of the Transfer/Deed of Land for the transfer to the Applicant(s).
7. DISPUTES:
  - (a) The Municipality will not become involved in any boundary line dispute
  - (b) The Municipality will consider proposed conveyances after a party(ies) have attempted mediation through public notoriety and/or Ontario Land Surveyor.
  - (c) During deliberations, Mediators and Landowners shall have regard to the policies herein.
  - (d) Upon receiving a written notice of successful mediation from each landowner, Council may consider closure and sale.
8. The Applicant(s) shall complete the "Application for Closure and Sale of a Road Allowance" for the Municipality of Hastings Highlands, a copy of which is attached hereto as Schedule "B" The application must be signed by all of the Registered Owners of the abutting lands. If one or more of the Registered Owners does not sign the Application, the Applicant(s) must attach his, her or their written authorizations allowing someone else to sign the application on his or her or their behalf.
9. A sketch indicating with reasonable accuracy, the lot lines, dimensions shall accompany the application. If a reference plan is available, it shall be used. The Applicant(s) shall outline on the sketch or plan the area of shoreline for which the application is being made.
10. The written Consent of the property owners on either side of the Applicant's property is required (consent Form is attached as Schedule "C") and the signatures of the consenting property owners must also be endorsed on a copy of the plan approving the extension of boundary lines from the corner survey post of the applicant's property to the high water mark. The Municipality will not enter into any negotiations or arbitrate in any manner while obtaining the consent.
11. In the case of an Application relating to a Shoreline Road Allowance, the Applicant(s) shall clearly mark the boundary line as agreed to with their neighbours on either side of his or her property on the ground and shall plant a picket marked with red paint or with a survey ribbon a minimum of 2 feet high beside the corner post of the Applicant's property nearest the water and another marking the neighbor and as indicated on the plan. This will clearly mark the boundary line that has been agreed to and will enable the surveyor to prepare an accurate survey plan.

12. A field inspection of the abutting property and road allowance will be conducted if deemed necessary by the Planning Committee or Council.
13. After the application has been reviewed, the Municipality may by letter give tentative approval of the application. This procedure is designed to pinpoint obvious problems in the initial stages of the application and therefore eliminate further expenses to the Applicant.
14. Road allowances leading to water shall not be closed unless an alternate, suitable and sufficient access, with the same or better water frontage is provided elsewhere.
15. Applicants who have received tentative approval shall pay an additional amount of \$400.00 on account of costs. Such payment will be deemed as authorization to proceed.
16. The applicant will arrange to obtain a Reference Plan of the shoreline road allowance prepared by an Ontario Land Surveyor. Prior to depositing the Plan at the Registry Office, the Applicant shall obtain the written approval of the abutting land owners to the location of the sidelines, such approval to be indicated by the written consent of the abutting owners endorsed on a true copy of the plan, a copy of which shall be delivered to the Municipality.
17. Upon receipt of seven copies of the registered Reference Plan, the Municipality will have the Municipal Solicitor prepare and continue the process of the conveyance of the road allowance.

**SCHEDULE "B"**

**THE CORPORATION OF MUNICIPALITY OF HASTINGS HIGHLANDS**

**APPLICATION FOR CLOSURE OF A SHORELINE ROAD ALLOWANCE**

- 1. Name of Property Owner(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 2. Civic Address of Subject Property: \_\_\_\_\_  
\_\_\_\_\_
  
- 3. Mailing Address of Applicant(s): \_\_\_\_\_  
\_\_\_\_\_
  
- 4. Telephone Number (\_\_\_\_) \_\_\_\_\_
  
- 5. Fax Number (\_\_\_\_) \_\_\_\_\_
  
- 6. Legal/Property Description      Lot. No. \_\_\_\_\_ Concession No. \_\_\_\_\_  
Plan No. \_\_\_\_\_ Frontage: \_\_\_\_\_  
Depth: \_\_\_\_\_ Acreage: \_\_\_\_\_  
Geographic Township: \_\_\_\_\_  
Lake/River \_\_\_\_\_
  
- 7. Items required to accompany Application:  
Sketch/Plan of Property (attached)      Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 8. Is there any access to the property other than the shoreline road allowance?  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 9. Is the shoreline road allowance serving as access to other properties?  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 10. Do the adjoining property owners consent to this Application?  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 11. Are the Consent Forms Attached:      Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 12. Have the abutting owners signed the plan showing established boundaries?  
Yes \_\_\_\_\_ No \_\_\_\_\_

**DATE OF APPLICATION:** \_\_\_\_\_

**SIGNATURE(S) OF APPLICANT(S):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE 'C'**

**CONSENT TO SALE OF SHORELINE ROAD ALLOWANCE**

IN THE MATTER OF THE Application for closure of Shoreline Road Allowance made by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for that portion of the 66 foot shoreline road allowance located on:

Part Lot \_\_\_\_\_ Concession \_\_\_\_\_ or Registered Plan \_\_\_\_\_

Designated as Part(s) \_\_\_\_\_ on Reference Plan \_\_\_\_\_

Geographic Township of \_\_\_\_\_, now the Municipality of Hastings Highlands along the shore

Of \_\_\_\_\_ River/Lake, abutting the Applicant's property.

I/We the undersigned, being the owner(s) of the adjacent property, consent to the closure and sale of the described shoreline road allowance as indicated on the attached plan/sketch.

I/We have no objection to the tentative boundary of the shoreline road allowance as outlined.

I/We understand that the final boundaries will be determined by an Ontario Land Surveyor and may vary slightly from the indicated on the attached plan/sketch and that a preliminary (draft) copy of the Reference Plan of Survey will be provided for review for verification.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_.

SIGNATURE(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_