

POLICY

ROAD CLOSING PROCEDURES

1. PURPOSE:

- 1.01 To provide a procedure for processing applications to stop up, close and sell road allowances.

2. GENERAL PROVISIONS:

- 2.01 Applications will not be approved if other owners of land are or may be deprived of the sole vehicular access to property or if the closure conflicts with Township by-laws or practices.
- 2.02 Applicants for all road closures shall pay all costs associated with the legal and survey work required in connection with the closure and sale. The initial application fee includes:
- The administration fee for review of the initial application and creation of the new file;
 - Circulations to various departments;
 - Correspondence with applicant;
 - Preparation of preliminary report to Council;
 - Transfer of file to solicitor with instruction letter;
 - Review of the new reference plan for the subject road allowance;
 - Preparation of resolution and final report; and
 - Presentation of by-law to Council.
- 2.03 The Township Solicitor will act on behalf of the Township in the closure and sale of all Township roads. All legal fees associated with the sale are the responsibility of the applicant.
- 2.04 The purchase of the portion of the road allowance for rural road closings is calculated at \$10,000 per hectare. Urban road closings will have a value assigned by the Council and may require a property appraisal. Where a road allowance has the potential to be sold as a standalone building lot, a valuation shall be required.
- 2.05 The Township Solicitor will register the road closing by-law and transfer of land documents on title.
- 2.06 All legal fees are determined by the Township Solicitor and payable to the Township Solicitor at the time of invoicing.
- 2.07 A road closing application will be considered **expired** if it has been inactive for a period of **two years**.

- 2.08 Applications are available on the Township website and upon request from the Community and Corporate Services Department.
- 2.09 The required by-law will not be given final approval until the **reality taxes** on the applicant's property are current.

3. POLICY:

- 3.01 All applications shall be submitted to the Community and Corporate Services Department accompanied by:
- (a) Application/Deposit Fee of \$2,000.00;
 - (b) Seasonal pictures of road allowance (if available); and
 - (c) A sketch map of the property.
- 3.02 Application will be circulated to the Planning Division, Building Division, Physical Services Department, and Fire and Emergency Services Department for comments.
- 3.03 Once circulations are received by the Community and Corporate Services Department, a report will be prepared for the Council's consideration. Such report will include all comments from the various departments.
- 3.04 If the Council gives preliminary support, the Township will proceed as follows:
- (a) Contact the applicant, in writing, requesting the name of their surveyor and establish costs relating to legal and purchase price of land;
 - (b) Provide notice of application to the following Government Offices & Agencies (agency contact information is appended to this policy):
 - i) County of Elgin, if applicable;
 - ii) Hydro One/Erie Thames Powerlines;
 - iii) Ontario Provincial Police (OPP);
 - iv) Ministry of Transportation;
 - v) Ministry of Health (Ambulance);
 - (c)
 - i) If no objection is received within 20 days from the above-mentioned agencies a Public Meeting shall be scheduled by the Clerk.
 - ii) A public notice will be prepared by the Township and mailed to owners within 120 metres of the subject property and posted on the Township website for two (2) consecutive weeks, prior to consideration of the resolution to declare the land surplus or the conveyance by-law by Council.

- (d) Prior to the passing of the by-law, the Council is required to give anyone requesting a hearing on this matter the opportunity to speak.
- (e) The Community and Corporate Services Department will forward the executed by-law(s) to the Township Solicitor for preparation of the required documents for registration.
- (f) The Township Solicitor will then:
 - (i) Request fee payment from the applicant for compensation payable to the Township, including H.S.T.;
 - (ii) Prepare the Document General, Transfer/Deed of Land, and Land Transfer Tax Affidavit;
 - (iii) Obtain a Certificate of Compliance from the Municipality;
 - (iv) Register the Transfer/Deed of Land, Document General with By-law within six months of the execution date of the by-law;
 - (v) Forward applicable fees and registered documents to the Township;
 - (vi) Forward appropriate documents to the applicant.

3.05 Any road closing for which a Certificate of Compliance has been issued by the Clerk is deemed to comply with this policy.

4. ADMINISTRATION:

4.01 The Staff and the Township Solicitor who are responsible for processing applications for closing the original road allowances shall follow this policy.

GOVERNMENT OFFICES & AGENCIES CIRCULATION LIST:

Hydro One Networks Inc. (include copy of survey)
Attn: Ms. Cathy Ballah
Real Estate Services
Land Use Planning
P.O. Box 4300
Markham ON L3R 5Z5

Erie Thames Powerlines
P.O. Box 157
Ingersoll ON N5C 3K5

Union Gas Limited
Attention: Shirley Brundritt, Lands Dept.
50 Keil Drive N.
Chatham, ON N7M 5M1

NRG – Planning Division
101 Spruce St. E.
Box 307
Aylmer, ON N5H 2S1

Bell Canada
100 Dundas St. Talbot Square
London, ON N6A 4L6

Eastlink
Box 1800
Aylmer, ON N5H 3E7

County of Elgin
Attention: Mark McDonald
450 Sunset Drive
St. Thomas, ON N5R 5V1

Elgin County OPP Detachment
42696 John Wise Line
St. Thomas, ON N5P 3S9

Ministry of Transportation
659 Exeter Road
London, ON. N6E 1L3

Ministry of Health and Long-Term Care
5700 Yonge Street, 9th Floor
North York ON M2M 4K5



**APPLICATION
FOR CLOSING ORIGINAL MALAHIDE ROAD ALLOWANCE
AUTHORIZATION TO PURCHASE**

The applicant, _____ is the Owner of Part of Lot _____,
Con. _____, in the Geographic Township of _____.

I, _____, owner of abutting lands described as
Part of Lot _____, Con. _____, in the Township of _____
do hereby consent to _____ purchasing that portion of the
Original Road Allowance lying adjacent to his/her property.

Dated this _____ day of _____, 20____.

Witness

Neighbour