



Policy: Original Shoreline Road Allowance Closure Policy

Department: Planning

By-law #: 2021-13

Reviewed: New Term of Council/Legislative Requirements

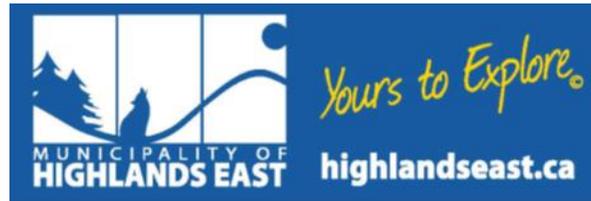
Effective Date: February 9, 2021

Application Guideline:

The Municipality of Highlands East offers for sale the 66 foot original shoreline allowance **only** to properties that are located on lakes and **not** to properties located on rivers. The property owner whose land is on a lake and separated from the lake by the municipal owned shoreline would have the opportunity to purchase the municipal portion through the application process considered by municipal council. Please note that if there is a portion between the 66 foot original shoreline road allowance and the property owner's lot that is owned by the Crown (Ministry of Natural Resources), this portion must be purchased through the Ministry of Natural Resources prior to proceeding with the municipal original shoreline road allowance purchase. This is usually evident at the time the survey is completed. Upon request, the municipality will review any existing surveys to determine if they are satisfactory for the application.

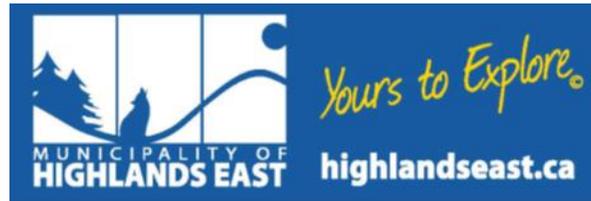
Application Process to Completion:

1. The "Application to Purchase" form with survey/site plan or sketch providing dimensions of the lot and location of all structures to be submitted to the Municipal Clerk. If this application is signed by a solicitor or agent on behalf of the applicant, written authorization must accompany the application, (attached authorization form).
2. A cheque payable to the Municipality of Highlands East to cover the cost of lands in the amount of One Thousand Dollars (\$1000.00) for the first 150' feet of shoreline with the municipal administration costs of Three Hundred and Fifty



Dollars (\$350). Total application fee of Thirteen Hundred and Fifty Dollars (\$1350.00).

3. On receipt of the application the application is provided to the By-law Enforcement Officer or designate to perform a site visit and to review the property file. On completion of the report it will be provided to the applicant prior to presenting to Council.
4. Dependent on weather conditions and the time of season if these elements do not permit the By-law Enforcement Officer or designate access to the applicant's property and/or does not allow the Officer to perform the duties which the Officer applies within the report then the application will be held until such time the Officer can access and record the site visit.
5. The By-law Enforcement Officer or designate report may or may not contain comments reflecting any issues that the property may have: e.g. Buildings without permits, encroachment on the shoreline, set - backs, and any infractions to the Zoning By-law. Possible re-zoning amendment may be required.
6. The By-law Enforcement Officer's report is provided to the applicant, Chief Building Official, the Municipal Planner and the municipal solicitor whom is responsible for the processing of the purchase of the municipal shoreline.
7. Council is presented with the completed report. Council may or may not approve in principle to declare the original shoreline allowance surplus land.
8. Applicants are required to show intent of correcting any issues that may present themselves within the By-law Enforcement Officer's report.
9. Direction of the application process and costs associated with the application to purchase the shoreline will be administered by the municipal solicitor only once Council has approved in principle and the applicants have shown intent of correcting any issues that may have been provided in the By-law Officer's



report.

10. The conveyance of the Shoreline Road Allowance dry land portion is conveyed to the adjacent landowner. The flooded portion of the allowance is retained by the municipality.
11. If the applicant cannot provide a current survey, the applicant shall arrange to have an Ontario Land Surveyor prepare the preliminary plan. All costs associated with the survey are to be paid directly to the surveyor by the applicant. The applicant will be directed by the municipal solicitor as to the correct number of copies of the survey to be provided to their office however the municipality requires two (2) copies of the survey and eight (8) copies for the municipal solicitor.

After review of the survey and all applicable approvals have been obtained and the direction provided by the municipal solicitor to the surveyor, **the survey must be registered and three (3) copies of the registered survey plan are to be forwarded to the municipal solicitor.**

The original shoreline road allowance portion must be identified as a part number on a Registered Plan.

12. The municipal solicitor will contact all parties whom have interest to the shoreline road allowance, requesting authorization of the purchase:
 - Written approval from the abutting land owners whom do not own the municipal shoreline road allowance and to the manner in which the lot line will be extended across the original allowance for road to intersect the present high water mark as shown on the **Reference Plan of Survey**.
 - Consent from the County of Haliburton for the road closing and conveyance with respect to all by-laws which pertain to the shoreline road



allowance.

- Approval from the Department of Public Works Canada.
 - Approval from Hydro One Networks Inc., Ministry of Transportation and Bell Canada.
13. Once all responses are received the municipal solicitor will provide notice of the pending shoreline closing as an item on a Council Meeting Agenda. Written notification will be provided to neighboring property owners and an advertisement in the local newspaper for two consecutive weeks, a minimum of ten (10) days prior to approval of the by-law.
14. Any concerns raised by adjacent landowners would be resolved to Council's satisfaction prior to the enactment of a by-law to stop up, close and dispose of the subject road allowance.
15. The by-law for the closure and conveyance of the shoreline will be considered for approval by the Council of the Municipality of Highlands East.
16. If Council approves the by-law the municipal solicitor prepares the deed and all applicable documents for signatures and will complete the registrations by electronic means after all outstanding monies have been paid in full and which lands will be consolidated with the current ownership of the applicant.
17. The application will be held for a period of no longer than one (1) month until all documentation is correctly completed. If the application has not been completed after one (1) month, the entire application will be returned to the applicant with no refund of the municipal administration fee.
18. Owners should check the description of their lands on their next tax notice or assessment roll notice once the shoreline has been registered to ensure that the Municipal Property Assessment Office (MPAC) changes your property



description to include the lands purchased. If you have concerns regarding the impact of purchasing the original shoreline road allowance on your property assessment value, please contact MPAC directly. The municipality does not assess the value of your lands.

19. **If the applicant(s) wishes to have their own solicitor represent them in the purchase process and not the municipal solicitor there will be additional costs to the applicant for the municipal solicitor to review the application.**
20. **Please allow at least one (1) year to complete the purchase of the shoreline road allowance. The completion time may increase should easements be required or complications in the process occur.**

Estimated Costs and Requirements:

- Survey Costs are the responsibility of the applicant.
- Land Costs are effective on the date of approval of the by-law.

Application Costs due on submission of application are Thirteen Hundred and Fifty Dollars (\$1350.00).

Municipal administration fee: \$350.00 (nonrefundable, if purchase is stopped)

Purchase price of land: \$1000.00 for the first 150' or 45.7 meters of water's edge frontage. \$3.00 per foot plus applicable taxes water's edge frontage shown on the Registered Plan.

- Legal Costs plus disbursements, plus applicable taxes are the responsibility of the applicant. The municipal solicitor will advise the applicant after the application has been approved in principle by Council and advise the applicant of estimated costs in this regard.



Survey Requirements:

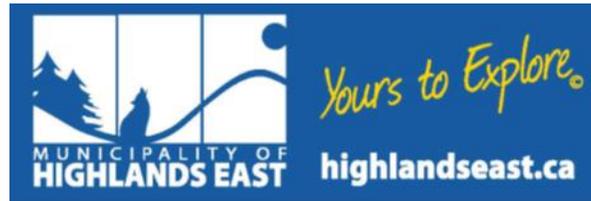
- The survey of the lands to be closed and deeded shall not include any areas that have been filled, “man - made” or are under water;
- The survey must show any/all submerged portions of the shoreline road allowance;
- The survey must show any/all filled lands on the bed of the waterbody;
- The survey must be deposited after the direction from the municipal solicitor e.g. registered with date and signature of Land Registry office in the tip right corner.
- The frontage at the shoreline must be shown clearly in feet/meters;
- The original shoreline road allowance must be defined as a separate part number;
- When the survey consists of more than one part, an X must be placed on the particular part to be purchase;
- Surveys that are submitted and do not meet all of the above criteria, will be rejected.

The municipal solicitor will review the documentation provided and advise the applicant of any deficiencies.

Other Conditions:

1. As what may be set out within the By-law Enforcement Officer's or designate report any buildings/structures on the road allowance, the municipality may require removal of any or all buildings and upgrading of septic system prior to completing the conveyance.

Accessory building(s) in particular will be closely scrutinized. Council may require their removal prior to conveying the road allowance. Purchasing the original shoreline road allowance does not permit construction or alteration of



any kind of structure or shoreline alterations on the Original Shoreline Road Allowance and in this regard, the Municipality of Highlands East zoning by-law requirements must be complied with, and all other applicable approvals obtained.

2. If there is a septic system or a Class 1 system (privy) on the shoreline road allowance the applicant shall supply the municipality with a copy of the sewage system inspection report and use permit issued by the local Health Unit. The municipality may require a current inspection of the septic system by the local Health Unit, together with its approval of the system.
3. ***In accordance with the Municipal Freedom of Information and Protection of Privacy Act, the personal information gathered within the application form will be used for the purpose of processing this application.***



Original Shoreline Road Allowance Purchase Application Appendix "A"

Please Print

Applicant/Owner(1): _____ Applicant(2): _____

(all owners information and signatures are required, add extra application(s) if necessary)

Principle Residence Address: _____

Phone Number: Cell _____ Home _____ Cottage _____

Email _____

Authorized Agent's Name, if using: _____

Agent's Address: _____

Agent's Phone Number: _____ Email: _____

Subject Property Information

Concession: _____ Lots _____ Plan # _____ Ward _____ Roll # _____

Lake _____ 911 Address: _____

Is your property adjacent to the shoreline road allowance? Yes _____ No _____

Access to the property: Private Road _____ Public Maintained Road _____ Water Access _____

Reason for purchasing the Shoreline Road Allowance: _____

I acknowledge that by purchasing the Original Shoreline Road Allowance, it does not permit construction or alteration of any kind of structure, or shoreline improvements without obtaining all applicable approvals and that the Municipality of Highlands East Zoning By-law must be complied with. I(we) agree to pay all costs involved in accordance with the policy of the municipality.

Signature of Applicant(s)/Owner(s) _____

Dated: _____ month _____ day _____ year



Authorization for Agent Representation
Appendix B to Shoreline Road Allowance Purchase

Applicant and Ownership Information

Please Print

Applicant/Owner(1): _____ Applicant(2): _____
(all owners information and signatures are required, add extra application(s) if necessary)

Principle Residence Address: _____

Phone Number: Cell _____ Home _____ Cottage _____

Email _____

Authorized Agent's Name: _____

Agent's Address: _____

Agent's Phone Number: _____ Email: _____

Subject Property Information

Concession: _____ Lots _____ Plan # _____ Ward _____ Roll # _____

Lake _____ 911 Address: _____

Owner's Authorization Statement:

I, We _____ am/are
the registered owner(s) of the property for which this agreement is to apply. I, We hereby
grant authorization to _____
to act on my/our behalf in all matters regarding this agreement.

Date: _____ Owner Signature: (1) _____

Date: _____ Owner Signature: (2) _____