



SCHEDULE "A" TO BY-LAW #2013-04

**ORIGINAL SHORELINE ROAD ALLOWANCE
CLOSURE POLICY**

ORIGINAL SHORELINE ROAD ALLOWANCE CLOSURE APPLICATION GUIDELINES

The Municipality of Highlands East offers for sale the 66 foot original shoreline allowance ONLY to the property owner whose land is separated from the lake by this allowance. 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

The Applicant obtains and files the following documentation with the municipality:

1. A correctly completed 'Application to Purchase' form with site plan/sketch. (Attached, see last page.) If this Application is signed by a solicitor or agent on behalf of the applicant, written authorization must accompany the Application. A cheque payable to the **Municipality of Highlands East** to cover the cost of lands including municipal administration costs.
2. The Application is approved/rejected by Council.
3. Advertising and Legal Fees: Invoiced to the applicant(s) by the Municipal solicitor.
4. Please provide a sketch with dimensions of the lot and location of all buildings, not necessarily by scale.
5. With respect to the conveyance of the Shoreline Marine Allowance, the dry land portion of the allowance is conveyed to the adjacent landowner. The flooded portion of the allowance is retained by the Municipality.
6. The applicant arranges to have an Ontario Land Surveyor prepare the preliminary plan. All cost associated with the survey are to be paid directly to the surveyor by the Applicant. The Applicant submits two (2) copies of the plan to the Municipality and eight (8) copies to the Municipal solicitor. After the 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**.
7. The Municipal Solicitor will provide notice of the pending shoreline closing. This will include written notification to the neighboring property owners and an advertisement in the local newspaper for two consecutive weeks, a minimum of ten (10) days prior to passing of the by-law. Written approval from the abutting land owners 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.
8. Consent of County Council for the County of Haliburton to the road closing and conveyance.
9. Approval from the Department of Public Works Canada.
10. Approval from Hydro One Networks Inc., Ministry of Transportation and Bell Canada.
11. If there are any buildings/structures on the road allowance, the Municipality may require removal of 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 zoning by-law requirements must be complied with and all other applicable approvals obtained.

12. If there is a septic system or a Class 1 system (privy) on the Shoreline Marine 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.
13. A By-law for the closure and conveyance of the shoreline will be scheduled for passing by the Council of the Municipality of Highlands East.
14. The solicitor prepares the Deed and all applicable documents for signature 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.

The municipality reserves the right to require further documentation as may be required to substantiate the purchase.

SURVEY COSTS

All survey costs are the responsibility of the applicant.

COSTS FOR LANDS

Effective on the date of passing of the by-law.

Applicants are required to submit an application to the Municipality along with the required deposit fee of \$1,350.00 towards the cost of the purchase for Marine Allowance.

- This deposit consists of the following;

Municipal Administration Fee:	\$ 350.00	
Deposit (Purchase price of land)	\$1,000.00	for the first 150 water's edge frontage (45.7 meters) plus \$3.00 per foot plus applicable taxes of water's edge frontage thereafter

Based on the water's edge frontage in feet as shown on the Registered Plan.

LEGAL COSTS

All legal costs, plus disbursements, plus applicable taxes, are the responsibility of the applicant. The Municipal Solicitor will contact the applicant after the application has been approved in principle by Council and advise the applicant of estimated costs in this regard.

Survey Requirements:

- (a) 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;
- (b) The survey must show any/all submerged portions of the shoreline road allowance;
- (c) The survey must show any/all filled lands on the bed of the waterbody;
- (d) The survey must be deposited after the direction from the Municipal Solicitor (i.e. Registered with date and signature of Land Registry office in the top right corner);
- (e) The frontage at the shoreline must be shown clearly in feet/meters;
- (f) The original shoreline road allowance must be defined as a separate part number;
- (g) When the survey consists of more than one part, an 'X' must be placed on the particular part to be purchased;

(h) 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. The application will be held for a period of no longer than one month until all documentation is correctly completed. If the application has not been completed after one month, the entire application will be returned to the applicant with no refunds of the Municipal administration fee.

Process and Completion

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.

Owners should check the description of their lands on their next tax notice or on the assessment roll at the Municipal Office 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 the Municipal Property Assessment Corporation directly. The Municipality does not assign the assessed value to your lands.

Please allow at least one 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.



Policy and Procedures to Purchase an Original Shoreline Road Allowance
Pursuant to the Municipal Act, 2001, S.O.2001, as amended

Please be advised that by purchasing the Original Shoreline Road allowance, it does not permit construction or alteration of any kind of structure or shoreline improvements on the shoreline allowance and in this regard the Municipality of Highlands East zoning by-law requirements must be complied with and all other applicable approvals obtained.

Applicants are required to submit an application to the Municipality along with the required deposit fee of **\$1,350.00** towards the cost of the purchase for Original Shoreline Road Allowance.

- This deposit consists of the following;

Municipal Administration Fee: **\$350.00**

Deposit (Purchase price of land): **\$1,000.00** for the first 150 feet (45.7 meters) water's edge frontage plus \$3.00 per foot plus applicable taxes of water's edge frontage thereafter

1. A correctly completed 'Application to Purchase' form with site plan/sketch. (Attached, see last page.) If this Application is signed by a solicitor or agent on behalf of the applicant, written authorization must accompany the Application. A cheque payable to the **Municipality of Highlands East** to cover the cost of lands including municipal administration costs.
2. The Application is approved/rejected by Council.
3. Advertising and Legal Fees: Invoiced to the applicant(s) by the Municipal solicitor.
4. Please provide a sketch with dimensions of the lot and location of all buildings, not necessarily to scale.
5. With respect to the conveyance of the Shoreline Marine Allowance, the dry land portion of the allowance is conveyed to the adjacent landowner. The flooded portion of the allowance is retained by the Municipality.
6. The applicant arranges for an Ontario Land Surveyor for the preparation of the preliminary plan. All cost associated with the survey are to be paid directly to the surveyor by the Applicant. The Applicant submits two (2) copies of the plan to the Municipality and eight (8) copies to the Municipal solicitor. After approval of the survey by the Municipality and the Municipal Solicitor, the survey must be **registered** and three (3) copies of the registered survey plan are required to be forwarded to the Municipal Solicitor. The original shoreline road allowance portion must be identified as a **part number** on a **Registered Plan**.
7. The Municipal Solicitor will provide notice of the pending shoreline closing. This will include written notification to the neighboring property owners and an advertisement in the local newspaper for two consecutive weeks, a minimum of ten (10) days prior to passing of the by-law. Written approval from the abutting land owners 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.
8. Consent of County Council for the County of Haliburton to the road closing and conveyance.
9. Approval from the Department of Public Works Canada.
10. Approval from Hydro One Networks Inc., Ministry of Transportation and Bell Canada.

11. If there are any buildings/structures on the road allowance, the Municipality may require removal of 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 in the 66' shoreline allowance and that the Municipality of Highlands East zoning by-law requirements prevail.**
12. If there is a septic system or a Class 1 system (privy) on the Shoreline Marine 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.
13. A By-law for the closure and conveyance of the shoreline will be scheduled for passing by the Council of the Municipality of Highlands East.
14. The solicitor prepares the Deed and all applicable documents for signature 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.

The municipality reserves the right to require further documentation as may be required to substantiate the purchase. An inspection will be completed by the Municipal Bylaw Enforcement Officer.

***Questions concerning the purchase of the Shoreline Road Allowance should be directed to:
Municipality of Highlands East, P. O. Box 295, 2249 Loop Road, Wilberforce, ON., K0M 3C0,
Att: Robyn Rogers, Clerk. Phone (705) 448-2981 ext. 422 or Fax (705) 448-1027 or email
rrogers@highlandseast.ca***



Pursuant to the Municipal Act, 2001, S.O.2001, as amended

Application for Shoreline Marine Allowance

Please Print

Name of Applicant: _____

Home Address: _____

Phone Number: (____) _____ (____) _____ (____) _____
Home Cottage

Email: _____

Name of authorized Agent, if any _____
(must be in writing)

Address: _____

Phone Number: (____) _____ Email: _____

Property Information:

Ward # _____ Concession(s) _____ Lots(s) _____ Plan # _____

Lake _____ Property Roll # _____

911 Address(if pertains) _____

Is your land adjacent to this Shoreline Marine Allowance? Yes _____ No _____

Please Check One:

Access is by: Private Road _____ Public Maintained Road _____ Water Access _____

Brief reason why you wish to purchase the Marine Allowance:

Please Note: If you would like **your solicitor to do the legal work**, the Municipality's solicitor will still have to review the application and there will be **additional costs**.

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 on the shoreline allowance or shoreline alterations without obtaining all applicable approvals. The Municipality of Highlands East zoning by-law requirements must be complied with.

Applicant's Initial _____

Furthermore, I agree to pay all costs involved in accordance with the policy of the Municipality of Highlands East.

Applicant's Initial _____

Signature of Owner/Agent: _____

Dated _____ this _____ of _____.
Day Month Year

In accordance with the Municipal Freedom of Information and Protection of Privacy Act, the personal information gathered will be used for the purpose of processing this application.