

Schedule "2" to By-law No. 2013-038

TOWNSHIP OF SEGUIN CLOSING OF ORIGINAL CONCESSION ROAD ALLOWANCES NON-REFUNDABLE APPLICATION FEE - \$1,036.00 POLICY AND PROCEDURES

The Township of Seguin maintains that Concession Road Allowances leading to water bodies should remain in Township ownership to ensure that access to all water bodies is available to the public now and in the future.

The Township will not stop up, close and sell any portion of these allowances **except under certain conditions and subject to the following:**

1. In the event the Concession Road Allowance abuts a water body, Township Council may undertake a site visit to determine if it is in the best interest of the Municipality to close and sell the Concession Road Allowance.
2. Township Council, in its sole discretion, may decline to close and sell a road allowance leading to a waterbody where it has determined in its sole discretion that there is presently or may be in the future inadequate public access to the water body.
3. The Township must be assured that the portion of Concession Road Allowance subject to the closure request would not now or in the future be necessary for road or access purposes nor would it provide a possible continuation or link-up with any other allowance or public road used or which may be used for access.
4. The Township will only consider closure of the entire width of the subject road allowance. Generally, the Township will convey half of the width of the Road Allowance to each abutting land owner unless there is agreement between the abutting landowners (which agreement may include a landowners written expression that it does not wish to purchase any portion of the road allowance) Where abutting landowners have agreed upon a different allocation of the road allowance Council may proceed to complete the transfer in accordance with such agreement.
5. The Applicant will be responsible for the non-refundable application fee of \$1,036.00 as well as a retainer in an amount deemed as appropriate by Township Staff for an independent appraisal which will be arranged for by the Township after the retainer for the appraisal fee has been received.
6. Any objections received from the public on a specific closing and deemed valid by Staff will be referred to Council for a decision.

7. All expenses or costs arising from or in relation to the application incurred by the Township and any fee charged by the Township are the responsibility of the Applicant. If the application and transfer process is not completed for any reason, the applicant is responsible for any Township costs incurred up to that time, including any Taxes, if applicable.
8. The Applicant will take all steps/actions required by the Township to effect a merger of the acquired lands with those other lands owned by the Applicant which abut the acquired lands. Among other things, the applicant may be required to make application to Council to deem the Applicant's abutting lands lot not to be within a Plan of Subdivision to effect the merger. Where a legal merger will not be obtained, the Applicant may be required to consolidate the acquired lands with its abutting lands into one parcel register. The applicant shall be responsible for all costs incurred by the Township concerning the foregoing processes/applications.
9. Council may impose any condition upon the sale and transfer of the closed road allowance that it considers necessary and appropriate. This may include registration of a prohibition or restrictive covenant on title of the lands.
10. Council may choose not to stop up and sell all or part of a Concession Road allowance that is adjacent to an Environmental Protection zone as identified in the Township Zoning By-law 2006-125 or which consists of steep slopes or other natural features that are considered by Council to have environmental importance.
11. The Transfer shall be prepared by the Township Solicitor.
12. The Applicant shall be responsible for their own costs.
13. For the purposes of this policy, a forced or trespass road or a road in a registered plan of subdivision may be considered for closure and sale in same manner as a Concession Road Allowance hereunder.

Concession Road Allowance Applications should be finalized within 18 months of receipt of a complete application. Failure to do so will result in the application being brought forward to Council with a recommendation for termination.

NOTE: On the 9th day of January, 2006 Seguin Township Council passed By-Law 2006-001 (being a By-Law to adopt a new Official Plan for the Township of Seguin). The official plan was approved by Ministry of Municipal Affairs and Housing with modifications, on

March 27, 2007.

Section E.2.6 Road Closure Policy reads as follows:

"Generally, concession roads and other roads that terminate at lakes and shoreline road allowances that abut Type 1 fish habitat or provide access to adjacent lands should not be sold".



Township of Seguin
Application for

UNOPENED CONCESSION ROAD ALLOWANCE

**IT IS RECOMMENDED THAT YOU CONSULT WITH THE TOWNSHIP
PLANNING DEPARTMENT PRIOR TO SUBMITTING YOUR
APPLICATION.**

APPLICATION FOR CONCESSION ROAD ALLOWANCE CHECKLIST

Please ensure you have completed the following prior to submitting your application:

1. It is required that 1 copy of this Application be filed with the Township of Seguin, together with the sketch referred to in Note 2, accompanied by a non-refundable application fee of \$1,036.00 in cash or by cheque, made payable to the Township of Seguin.
2. Each copy of this application must be accompanied by a sketch showing the following:
 - The boundaries and dimensions of the subject land.
 - The boundaries and dimensions of the Concession Road Allowance proposed to be purchased.
 - The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
 - The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - The current uses on land that is adjacent to the subject land.

- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or right-of-way.
- If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- The location and nature of any easement affecting the subject land.

If you require additional assistance regarding this application please contact the Planning Department at:

**Township of Seguin
5 Humphrey Dr.
Seguin, ON, P2A 2W8
Bus: 705-732-4300
Fax: 705-732-6347
Toll Free: 1-877-473-4846**



Township of Seguin
Application for

Concession Road Allowance

OFFICE USE ONLY		Date Stamp:
Application No.: RAC- _____		
File Name: _____		
Civic Address: _____		
Application Complete:	Fee Received:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

ROLL # 4903- _____ - _____ - _____ - 0000

Did you consult with the Township Planning Department? Yes No

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only. Copies of correspondence will be sent to all parties and filed according to Township procedure.

Primary Contact: _____

a) Registered Owner(s): _____

(List all owners and contact information if multiple exist)

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

b) Agent: _____

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): _____

b) Lot(s): _____

c) Registered Plan No. : _____ **Lot(s)/Block(s):** _____

d) Reference Plan No. : _____ **Part(s):** _____

e) Geographic Township (former municipality): _____

f) Civic Address: _____

g) Dimensions of subject lands:

Frontage (m)	Depth (m)	Area (ha)

h) Existing uses of the Applicant's abutting lands:

i) Proposed uses of the Applicant's abutting lands:

j) Dimensions of the Concession Road Allowance lands proposed to be purchased.

Frontage (m)	Depth (m)	Area (ha)

k) Existing uses of the Concession Road Allowance lands:

I) Proposed uses of the Concession Road Allowance lands:

3. DIRECTIONS: HOW TO GET THERE

Civic Address: _____

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

4. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), _____ the undersigned,
Registered Owner(s)
being the Registered Owner(s) of the subject land, hereby authorize
_____ to act as my Agent with respect to the
Agent
preparation and submission of this Application.

Signature of Owner

Date

Signature of Owner

Date

5. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form is collected and maintained pursuant to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56, and will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

Signature of Owner

Date

Signature of Owner

Date

Signature of Witness

Date

6. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I _____ (Owner(s)/Agent) of the _____ of _____ in the County/District/Regional Municipality of _____ do solemnly declare that all of the statements contained in this Application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the _____
in the _____ of _____
this _____ day of _____, 20_____.

Signature of Owner

Signature of Owner

Signature of Agent (if Applicable)

Signature of Commissioner

Commissioners Stamp

7. ADDITIONAL FEES

If Planning, Engineering and/or legal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

Signature of Owner(s)/Agent

Date

Please submit this application to the Township of Seguin Planning Department at:

**Township of Seguin
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