

**THE CORPORATION OF THE TOWNSHIP OF LIMERICK**

**BY-LAW NO. 2008-08**

**BEING A BY-LAW TO SET POLICY, GUIDELINES AND FEES FOR APPLICATION TO PURCHASE ROAD ALLOWANCES BETWEEN COTTAGE PROPERTIES AND WATERWAYS.**

**WHEREAS** pursuant to The Municipal Act, S.O. 2001, Chapter 25, a municipality can enact a By-law to stop up, close and sell part of a road allowance.

**NOW THEREFORE** the Council of the Corporation of the Township of Limerick hereby enacts as follows:

**PREAMBLE:** An owner of land situated adjacent to a lake or waterway, having determined that his or her land is separated from the water by the existence of a 66 foot road allowance, may apply to have the allowance closed and deeded as a lot addition to the existing holding. Generally, the Township has no plan to alter the use of this type of land and further it is neither encouraging nor discouraging such applications. Such land would only be sold to abutting landowners and therefore should you not act there is no cause for concern that a third party might acquire the lands between you and the waterway.

**PRE APPLICATION CONSIDERATIONS:** Before submitting an application, the following matters should be considered:

1. Not all waterways have adjoining road allowances. An Ontario Land Surveyor or the Ministry of Natural Resources should be consulted to determine your situation.
2. As part of the supporting documentation it will be necessary for you to obtain the signed, dated consents of adjoining property owners with respect to the sale and in particular it must be indicated that such owners have no objections to the proposed closure and sale.
3. While a registered reference plan as prepared by an Ontario Land Surveyor, and paid for by the applicant, will eventually be necessary to conclude a sale, at the outset a cautious applicant need only submit a sketch illustrating the applicant's lands; the road allowance lands to be closed; the waterway; adjoining land owner(s) and the above noted "no objection" letter(s), duly signed by the adjoining owner(s), to the Township Council thus seeking Township approval in principal. If approval in principal is given, then submit filing fee to the Clerk.
4. All applications are subject to the approval of Various Agencies, the County of Hastings and the Government of Ontario and approval will only be considered once a reference plan is submitted.
5. Irrespective of the outcome, all costs in respect of the application including all legal, administrative and advertising costs incurred by the Township shall be paid by the applicant. A non-refundable filing fee due at the time of presentation of the application is payable to the Township in the amount of \$1,000.00. This includes \$400.00 filing fee and \$600.00 legal fees to start the process. Further monies will be sought as required in furtherance of the application such as disbursements pertaining to legal costs and advertising costs, but not limited to, and the application will not proceed without such payment. In addition, should the application be approved the cost of the land shall be \$125.00 for the first 150 feet of shoreline or less and \$.50 per foot thereafter, plus legal for land transfer tax and registering of deed, all costs of which shall be paid prior to the Township endorsing final papers.
6. Any property improvements (buildings, excavations etc.) carried out on the parcel of land after title is transferred shall conform to existing by-laws and regulations.

**APPLICATION CONSIDERATIONS:** The application will be considered to have commenced when the Township has on file the following:

1. A completed application form, copies which are available from the Township.
2. The non-refundable filing fee of \$1,000.00.
3. A letter from adjoining property owners (see paragraph 2 under pre-application considerations).
4. An accurate sketch (see paragraph 3 under pre-application considerations).

**POST APPLICATION PROCEDURE:** Once the complete application has been filed and approved by the Township Council it will then be necessary for the applicant to supply the Township with a preliminary or registered copy of a reference plan illustrating that portion of the road allowance in question. The general sequence of events after Council approval is as follows:

1. The Applicant's surveyor submits a preliminary copy of the reference plan to the Township for review and approval, which ensures/deeds the Township 33 feet from centre line on any township maintained road across frontage of said property (if applicable or requested by Council).
2. Once approved by the Township the plan should be registered at the Registry Office and (7) registered copies filed with the Township.
3. The Township will effect the required public notices by publication in a local newspaper and by posting notices in appropriate public places and then hold a public meeting after which a by-law to close and sell the lands will come before Council.
4. The Township will request the approval of County Council by seeking a by-law ratifying the closure and proposed sale.
5. The by-law will be registered by the Township. The solicitor for the Township will draft and forward to the applicant a draft copy of the deed for review by the solicitor for the applicant. The Township will forward a final accounting for outstanding legal and administrative costs. Upon payment of the aforesaid together with the cost of the land and upon being advised that the draft deed is acceptable then the proper signing officers of the Township will execute the deed and forward same to the applicant at which time it will be the responsibility of the applicant to attend to the matter of registration. The process is now completed.

**Schedule "A" and "B"** which are attached hereto are a part of this by-law.

**THAT** this by-law repeals all previous by-laws and/or resolutions of council pertaining to same.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 05<sup>TH</sup>, DAY OF AUGUST, 2008.

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REEVE: D. GOLEM

SEAL

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CLERK: B. CROCKER

**Schedule "A"**  
**By-Law No. 2008-08**

THE CORPORATION OF THE TOWNSHIP OF LIMERICK  
APPLICATION TO PURCHASE SHORELINE ROAD ALLOWANCE

NO. \_\_\_\_\_

1. APPLICANT (Full name on deed):

\_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

POSTAL CODE: \_\_\_\_\_ TELEPHONE : \_\_\_\_\_

2. APPLICANT (Full name on deed):

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

POSTAL CODE: \_\_\_\_\_ TELEPHONE : \_\_\_\_\_

3. IF MORE THAN ONE APPLICANT:

(    ) Joint Tenants      (    ) Tenants in Common      (    ) Partnership

4. GIVE A BRIEF STATEMENT ABOUT WHY THE SHORELINE ALLOWANCE IS NEEDED. (INDICATE PRESENCE OF ANY STRUCTURES ON THIS PROPERTY)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. GIVE A DESCRIPTION of relevant lands owned by applicant (s):

Concession \_\_\_\_\_ Lot \_\_\_\_\_ Registered Plan (if any) \_\_\_\_\_

Note: if applicant (s) own (s) more than one Lot in a subdivision a separate application form shall be completed for each Lot.

**EACH OF THE APPLICANTS CERTIFY THAT:**

I am/We are of the age of majority.

Hereby make application for the purchase of shoreline road allowance adjacent to our/my property (described in paragraph 5 above).

Certify that the information given in this application is true and correct.

Promise to comply with all the terms and conditions of this disposition should this application be accepted.

\_\_\_\_\_  
WITNESS (Signature)  
Please Print Name Here:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT (Signature)  
Please Print Name Here:

\_\_\_\_\_  
WITNESS  
Please Print Name Here:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT (Signature)  
Please Print Name Here:

**Schedule "B"**  
**By-Law No. 2008-08**

**SAMPLE OF CONSENT LETTER**

To: \_\_\_\_\_ (Name of Applicant)

And To:       The Township of Limerick

Re: \_\_\_\_\_ (Applicant's Name) purchase of road allowance from the Township of Limerick, more particularly described as Concession \_\_\_\_\_, Lot \_\_\_\_\_, designated as Part \_\_\_\_\_ of Registered Plan No. \_\_\_\_\_, being part of the shore road allowance around \_\_\_\_\_ Lake, in the County of Hastings.

I/We \_\_\_\_\_ are the adjoining property owner(s) of the above-mentioned property. I/WE hereby acknowledge and consent to the closure and sale of that portion of road allowance as described as Part \_\_\_\_\_ on Plan \_\_\_\_\_ to \_\_\_\_\_ (Name of Applicant).

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
WITNESS (Signature)  
Please Print Name Here:

\_\_\_\_\_  
ADJOINING LANDOWNER (Signature)  
Please Print Name Here:

\_\_\_\_\_  
WITNESS (Signature)  
Please Print Name Here:

\_\_\_\_\_  
ADJOINING LANDOWNER  
Please Print Name Here: