



Process Summary – Road Allowance Closure:

The Town owns numerous road allowances that have never been used for road purposes. From time to time, property owners seek to acquire portions of these allowances for their own use. The Municipal Act sets a procedure for the closure and disposal of a road allowance. The Town will not close and dispose of an allowance that is either being used for public road purposes or is planned to be used for public road purposes. It is prudent to consult with Town staff before submitting an application to discuss the matter and determine the likelihood of closure.

After having submitted a properly completed application, an adequate plan of the allowance showing the portion proposed to be closed and the application fee, the Development and Leisure Services Department will circulate the application to internal departments and external agencies to obtain comment on the proposed closure. Such external agencies as Union Gas, Parry Sound Power, Bell Telephone and Cogeco Cable will be canvassed as they may have their services located in the allowance. Internal departments will also be asked for comment as they too may have need of the allowance. When comments are received, a report and recommendation will be prepared for Council consideration. The presence of services in an allowance, the need of use for road purposes, the need of use for private access, the potential use of the allowance for future development and other factors may result in a recommendation to deny the application. First and foremost, road allowances are present to host public roads; this use takes precedent over closure.

Should Council approve the closure of the allowance they will direct staff to provide a closure by-law and complete the formal closure process. Council may also attach conditions to the closure such as the registration of an easement. The formal closure

process requires that a reference plan be prepared, an appraisal of the land be prepared, an ad identifying Council's intention to close the allowance be placed in the local newspaper and legal work to register the closure by-law be completed. It is the applicant's responsibility to fund all of these costs. As a result, the applicant will be asked to provide a deposit to cover these costs and perhaps others, before any further action is taken. While the amount will vary depending on the particular circumstances, a rough estimate of these costs is \$4,000.00. In addition, if the allowance is successfully closed, the appraised value of the property must be paid to the Town for its purchase.

Upon receipt of the deposit, staff will arrange for bids from local surveyors for the preparation of a reference plan identifying the property. The low bid is selected and the company is authorized to complete the plan. The preparation of a reference plan can take some amount of time. Once the reference plan is completed, a draft By-law to close the allowance is prepared and an ad is placed in the local newspaper identifying Council's intention to consider the By-law, the time of the meeting this will take place and identifying that Council will hear any person with objections to the By-law. If objections are identified at the Council Meeting, Council may decide not to pass the By-law. If the By-law is passed, it is forwarded to the Town's solicitor for registration against title and for the preparation of any other necessary legal documents. Once the by-law is passed, an appraiser is retained to complete an appraisal of the property proposed to be transferred. This appraisal will set the purchase price for the lands. Subsequent to the registration of the By-law on the title to the lands and any other legal work required, the property can be purchased from the Town by the applicant. It is the applicant's responsibility to arrange the transfer of the lands into their ownership. The Town's solicitor will review any documents prepared by the applicant's solicitor to confirm they are acceptable. Subject to this confirmation and the payment of the purchase price, the documents can be registered and the land transferred.

It is difficult to identify an accurate estimate of the time it will take to complete this process. The preparation of a reference plan has taken up to 6 months in the past.

Under the assumption that the preparation of a reference plan will take 2 months and barring any unexpected issues, the process should not take more than 4 months to complete.

For clarification of the process described above, please consult the Municipal Act. For further information on Road Allowance Closures, please contact the Community Development Department at the Town of Parry Sound.