

**THE TOWNSHIP OF THE ARCHIPELAGO  
APPLICATION TO CLOSE AND CONVEY MUNICIPAL ROAD ALLOWANCES**

**Information for Applicants**

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Within its territorial jurisdiction the Township owns all original concession road allowances which have not yet been stopped up and conveyed. Provincial legislation allows municipalities to sell such road allowances, excepting any portions of the allowance, which are covered by water. Each abutting landowner on either side of a concession road allowance will be given the opportunity to acquire half of the width of the road allowance abutting their land. If either party waives the right to purchase the half of the road allowance adjacent to their own land, the entire width of the road allowance may be conveyed to the other abutting landowner. All applications to purchase any portion of a concession road allowance must be accompanied by a Waiver of Right of First Refusal from the owner(s) of land on the opposite side of the concession allowance, in the form provided by the Municipality.

Regardless of the acreage of the lands which are the subject of an application to purchase a concession road allowance, the Township will require market value to be paid for these lands. The purchaser will be required to pay all legal, surveying and administrative costs, including the cost of obtaining a market value appraisal.

A survey is essential if an existing reference plan does not show the road allowance as having a separate part number. Surveys are not the responsibility of the Municipality nor are the costs paid to the Township. While you are under no obligation to use local surveyors, they are certainly familiar with Township procedures for road closures. This list is provided for your convenience only.

L.U. Maughan, O.L.S.	5 McMurray Street, Parry Sound	746-5805
Paul Forth, O.L.S.	29 Miller Street, Parry Sound	746-8404

## THE PROCEDURE

1. The applicant will be required to obtain, in the form provided, a signed Waiver of Right of First Refusal from the property owner(s) abutting the opposite side of the subject road allowance, to the effect that they have no interest in purchasing any part of the unopened municipal road allowance and have no objection to its sale to the applicant.
2. The applicant must complete the application form and submit it to the Township together with the required Waiver of Right of First Refusal from the abutting property owner(s), as described above, and a cheque in the amount of \$350.00. This amount includes a non-refundable application fee in the amount of \$50.00 and a \$300.00 administration fee.
3. If Council denies an application to purchase a portion of municipal concession road allowance or if the applicant withdraws the application following consideration by Council, the applicant will be refunded the \$300.00 administration fee.
4. A legible plan must be attached to the application form, which clearly demonstrates the area of unopened road allowance proposed to be purchased. An Ontario Land Surveyor's plan is NOT required at this stage.
5. Upon receipt of the completed application form and its review by Township staff, the application will be considered by Council.

### **CAUTION: DO NOT PROCEED WITH STEP 5 UNTIL SO DIRECTED BY THE TOWNSHIP**

6. If the applicant's lot(s) was created by a registered Plan of Subdivision, the subject concession road allowance will not merge with the lot(s), pursuant to the Planning Act. Council's approval will be made subject to the applicant submitting an application to the Township, together with the required fee of \$375.00, to deem the subject lot(s) not to be on a registered plan of subdivision. The Township will register the by-law at the local Land Registry office, thereby permitting the concession road allowance to merge with the subject lot.
7. Following Council's approval, staff will obtain an appraisal to determine fair market value of the subject land. The applicant shall be provided with a copy of the correspondence engaging the appraiser.
8. Following receipt by the Township, the applicant will be provided with a copy of the fair market value appraisal and will be invoiced for the cost of obtaining same. If in agreement with the appraised value, the applicant must forward a cheque in the amount of the appraised value, payable in trust, to the Township's solicitor.
9. Should the applicant choose **not** to proceed with the purchase of the subject road allowance, he/she is, nonetheless, responsible for paying the invoice for the cost of obtaining the fair market value appraisal.
10. Upon receipt of the payments as outlined in Section 8 above, the applicant will be advised to contact an Ontario Land Surveyor and order a draft plan to be prepared. The draft plan **MUST NOT** be deposited in the Registry Office prior to its approval by the Township.

## The Procedure (cont'd)

11. Upon receipt of the draft plan, Township staff will review same and if satisfied, will direct the applicant's surveyor to deposit the survey at the local Land Registry Office. The applicant shall be provided with a copy of the Township's correspondence to the land surveyor.
12. Following receipt of the registered plan of survey, the Township will engage a solicitor to proceed with the application. The applicant shall be provided with a copy of the Township's correspondence to the solicitor.
13. If the subject lot(s) is on a registered plan of subdivision, as outlined in Section 6, the file will not be forwarded to the Township's solicitor until such time as the applicant has submitted to the Township, together with the required fee, the application to deem the lot(s) not to be on a registered plan of subdivision.
14. Upon receipt of the file, the solicitor will contact the applicant and request a deposit toward his legal fees, to be paid to him directly. The solicitor will not proceed with processing the application until he is in receipt of the required deposit for legal fees. (The Township requires that the solicitor act on its behalf in the closure and sale of municipal road allowances. The legal fees and disbursements are to be charged directly to the applicant.)
15. As a step in the legal processing of the file, pursuant to Provincial Statute, Council must pass a by-law to declare the land to be surplus and must give notice to the public of the proposed sale and the proposed by-law prior to its passage. Notice will be given in accordance with Council's By-law No. 03-11. If the lot(s) is on a registered plan of subdivision, as outlined in Section 6, Council will also pass a by-law to deem the lot(s) not to be on a registered plan of subdivision and will register same at the local Land Registry Office.
16. Following completion of the solicitor's work and receipt of final payment by the applicant, the solicitor will register a Transfer/Deed to convey the subject road allowance to the applicant and will release the funds held in trust for payment of said land to the Township.
17. The entire procedure will take approximately 12 to 18 months to complete, however, the applicant cannot be given any guarantees as to the time frame that will be required to process individual applications.



4. LOCATION OF THE SUBJECT LAND

(Remember to include a legible plan of the property showing neighbouring lots and the subject concession road allowance proposed to be purchased.)

Assessment Roll No. \_\_\_\_\_ 911 Civic Address \_\_\_\_\_

Former Township \_\_\_\_\_ Island No. \_\_\_\_\_

Lot \_\_\_\_\_ Concession \_\_\_\_\_ Reference Plan No. \_\_\_\_\_ Sublot \_\_\_\_\_

5. ARE THERE ANY MORTGAGES AGAINST THIS PROPERTY? \_\_\_\_\_

IF SO, NAME AND ADDRESS OF THE MORTGAGE HOLDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/WE acknowledge that I/WE have read the explanation provided with the Township's Application to Close and Convey an unopened municipal road allowance, and submit MY/OUR cheque in the amount of \$350.00 for consideration of this application by Council. I/We hereby acknowledge that further sums are required to be paid by me(us) for the cost of a survey, for a market value assessment of the lands proposed to be purchased, for the actual market value of the land as determined by the appraisal, and for the legal fees incurred to complete the conveyance.

Following the direction of Council, I/WE will undertake to order a draft plan of survey and ensure that same **is not registered** prior to approval of the draft plan by Township staff.

I/WE agree that prior to the surrender of the deeds to me/us, I/we shall pay in full to the Township's solicitor any outstanding balance resulting from this application.

I/WE understand that if all outstanding costs resulting from this application are not paid such will be collected in a like manner as taxes, and title to the unopened road allowance will not be transferred to me/us until the account has been paid in full, including interest.

DATED AT \_\_\_\_\_, Ontario on this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

SIGNED: \_\_\_\_\_

WITNESSED: \_\_\_\_\_

DATE: \_\_\_\_\_

**WAIVER**  
**OF RIGHT OF FIRST REFUSAL**

**TO: THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO**

**RE: PART(S) OF AN ORIGINAL CONCESSION ROAD ALLOWANCE DESIGNATED AS PART(S) \_\_\_\_\_ ON THE ATTACHED PLAN OF SURVEY 42R-\_\_\_\_\_, IN FRONT OF LOT \_\_\_\_\_, CONCESSION \_\_\_\_\_, IN THE GEOGRAPHIC TOWNSHIP OF \_\_\_\_\_, NOW IN THE TOWNSHIP OF THE ARCHIPELAGO, IN THE DISTRICT OF PARRY SOUND.**

As the abutting landowner(s), i.e. the owner(s) of Parcel \_\_\_\_\_, Parry Sound \_\_\_\_\_ Section which abuts Part \_\_\_\_\_, shown on Plan 42R-\_\_\_\_\_, I/we have a first right to purchase Part \_\_\_\_\_, shown of the attached Plan of Survey under the Municipal Act of Ontario, but I/we hereby confirm that I/we have no interest in purchasing any part of Part \_\_\_\_\_, shown on the attached Plan of Survey, and I/WE HEREBY WAIVE my/our right of first refusal to do so.

I/We, the undersigned, \_\_\_\_\_, HEREBY CONSENT to the transfer of title to Part \_\_\_\_\_, shown on Plan 42R-\_\_\_\_\_, by the Township of The Archipelago to \_\_\_\_\_, the registered owners of Parcel \_\_\_\_\_, Parry Sound \_\_\_\_\_ Section.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Please print names below signatures.**

\_\_\_\_\_  
\_\_\_\_\_