

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

Policies and Procedures No. A-01-2005	Effective Date: September 7, 2005 Revision Date: November 25, 2009
Title: Permanently Close and Sell an Unopened Road Allowance	Resolution No.:

Scope:

This policy applies to all permanent closure and sale of unopened road allowances in the Township of South Stormont.

Purpose:

It is the purpose of this policy to regulate the application and procedure of all permanent closure and sale of unopened road allowance requests within the Township of South Stormont.

Policy & Procedures:

It is the policy of the Township of South Stormont, upon receipt of a request to close and sell an unopened road allowance to follow this procedure:

1. The Clerk's Department shall be responsible for coordinating the implementation of this policy.
2. All requests for the closure and sale of an unopened road allowance must be received in writing, legal description and map indicating location and with the commitment to pay all costs associated with the transaction ie. survey, legal advice etc.; each application will be reviewed on an individual basis.
3. The request will be circulated to the Planning and Public Works Departments for their comments and review. Additional Departments will be consulted if deemed applicable. Departmental review will include:
 - The suitability of the proposed use of the property (adjoining properties);
 - Ensuring that no abutting properties will become landlocked as a result of the transaction;
 - The current state of the property; it will be the purchasers responsibility to assume the property in its current state;
 - Determine that the property is not required for future development needs of the Township.
4. Upon compilation of comments received the Public Works Manager will prepare a recommendation to Council, either in support of, or in opposition to the proposed transaction.
5. If accepted, the following process shall be followed, pursuant to the current land disposal by-law:
 - Council shall by resolution, passed at a meeting open to the public, declare the real property to be surplus.
 - Public Notice (may be given in conjunction with required notice described in Section 6, below)
 - 1) The Clerk, or designate shall ensure that public notice of the disposal of real property shall be effected prior to the passage of the by-law approving the disposal of the real property.

- 2) Notwithstanding subsection 1), in the event that notice to the public is specified by statute, the Clerk, or designate shall ensure that notice in accordance with the provisions of the applicable statute are effected, in addition to the public notice required by the current land disposal by-law.
6. Pursuant to the *Municipal Act, 2001* and the current Notice Requirements by-law, Notice of Council's Intention to pass a by-law to permanently close a highway must be given. Notice must be made in a newspaper that is sold to the public and has regular subscribers, once a week for three consecutive weeks.
The notice should also include Council's declaration of surplus property.
7. Notices of Council's intention to close and sell the unopened road allowance will be mailed via regular first class mail to adjoining property owners.
8. At the regular meeting of Council, whereby the by-law is presented, consideration for those in opposition, or in favour shall be given. Following consideration of all items presented, Council may pass the by-law authorizing the permanent closure and sale of a highway.
 - If the proposed by-law does not pass, the action is ceased. All costs incurred for advertising, etc. will be invoiced to the applicant.
9. Upon passage, the by-law is registered at the Land Registry Office and the property transferred to the new owner.
10. The transfer of the property will be done by way of Transfer/Deed of Land, prepared by a solicitor and registered at the Land Registry Office. A copy of the registered document shall be filed at the Municipal Office.
11. All costs and fees incurred with the process and transaction will be the responsibility of the applicant/purchaser.

Notes:

Pursuant to the *Municipal Act, 2001*, no appraisal is required when selling an unopened road allowance.

For further information, contact the Township of South Stormont
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