



THE MUNICIPALITY OF WHITESTONE

APPLICATION TO CLOSE AND CONVEY MUNICIPAL ROAD ALLOWANCES

INFORMATION FOR APPLICANTS

Within its territorial jurisdiction the Municipality 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.

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 Municipality. While you are under no obligation to use local surveyors, they are certainly familiar with Municipal procedures for road closures. This following list is provided for your convenience only:

| | | |
|----------------------|------------------------------------|--------------|
| L.U. Maughan, O.L.S. | 5 McMurray Street, Parry Sound, ON | 705-746-5805 |
| Tulloch Engineering | 29 Miller Street, Parry Sound, ON | 705-746-8404 |

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 Municipality with a photocopy of the applicant's Transfer/Deed of Land, together with the required Waiver of Right of First Refusal from the abutting property owner(s), as described above, and a cheque payable to the Municipality of Whitestone in the amount of \$1,500.00. This amount includes a **non-refundable** application fee in the amount of \$1,000.00 and an administration fee of \$500.00.

The purchase price for the road allowance will be fair market value plus the applicable appraisal fees. The surveyor's determination of the acreage of the road allowance is to be final. Minimum price is \$500.00.

3. If Council denies an application to purchase a portion of a municipal concession road allowance or if the applicant withdraws the application following consideration by Council, the applicant will be refunded the \$500.00 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 the Municipality's staff, the application will be considered by Council.

**CAUTION: DO NOT PROCEED FROM THIS POINT UNTIL SO
DIRECTED BY THE MUNICIPALITY**

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 Municipality, together with the required fee of \$750.00 to deem the subject lot(s) **not** to be on a registered plan of subdivision. The Municipality will register the by-law at the local Land Registry Office, thereby permitting the concession road allowance to merge with the subject lot.
7. When all of the above have been completed to the satisfaction of the Municipality 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 Municipality.
8. Upon receipt of the draft plan, the Municipality's 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 Municipality's correspondence to the land surveyor.
9. Following receipt of the registered plan of survey, the Municipality will engage a solicitor to proceed with the application. The applicant shall be provided with a copy of the Municipality's correspondence to the solicitor.
10. If the subject lot(s) is on a registered plan of subdivision, as outlined in paragraph 6, the file will not be forwarded to the Municipality's solicitor until such time as the applicant has submitted to the Municipality, together with the required fee, the application to deem the lot(s) not to be on a registered plan of subdivision.

11. Upon receipt of the file, the solicitor will contact the applicant and request a deposit towards his legal fees, to be paid to him directly. The solicitor will not proceed with the processing of the application until he is in receipt of the required deposit for legal fees. (The Municipality 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).
12. 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. 4-2003. If the lot is on a registered plan of subdivision, as outlined in Paragraph 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.
13. Following completion of the solicitor's work and receipt of the final payment by the applicant, the solicitor will register a Transfer/Deed of Land to convey the subject road allowance to the applicant and will release the funds held in trust for payment of the said land to the Municipality if not being held by the Municipality.
14. 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.



APPLICATION TO CLOSE AND CONVEY MUNICIPAL ROAD ALLOWANCES

Personal information contained on this form is collected pursuant to Section 28 of the Municipal Act, 2001, S.O. 2001, c. 25 and will be used for the purpose of considering your application. Questions about this collection of personal information should be directed to the Clerk of the Corporation of the Municipality of Whitestone

THE UNDERSIGNED hereby submits an application for the closure, sale and conveyance of the unopened road allowance abutting the property of the undersigned, together with a non-refundable application fee in the amount of \$1,000.00 and an administration fee of \$500.00, the particulars of which are as follows:

1. NAME IN FULL _____ D.O.B. _____
(d/m/y)
OF APPLICANTS: _____
MARITAL STATUS _____
(married, single, divorced, separated)
ADDRESS OF _____
APPLICANTS: _____
_____ POSTAL CODE _____
TELEPHONE: Home) _____ Office) _____

2. NAME AND ADDRESS OF AGENT, IF ANY:

NOTE: The Municipality must be provided with written authorization from the property owner to the effect that the above named agent has been authorized to act on the applicant's behalf. All correspondence with respect to this matter will be sent to the agent.

3. FULL DETAILS OF THE MANNER AND NAMES IN WHICH THE LAND OF THE APPLICANT IS REGISTERED ON TITLE (attach copy of Deed)

4. LOCATION OF 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 REGISTERED 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 Municipality's Application Form to Close and Convey an unopened municipal road allowance and submit MY/OUR cheque in the amount of \$1,500.00 for consideration of this application by Council. I/WE hereby acknowledge that further sums will be required to be paid by ME/US for the cost of the survey, for the purchase price of the property 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 Municipal staff.

I/WE agree that prior to the surrender of the Deeds to ME/US, I/WE shall pay in full to the Municipality'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 _____, ON this _____ day of _____, 20 .

SIGNED: _____

WITNESSED: _____

DATE: _____

WAIVER
OF RIGHT OF FIRST REFUSAL

TO: The Corporation of the Municipality of Whitestone

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 Municipality of

Whitestone, in the District of Parry Sound

As the abutting landowner(s), i.e. the owner(s) of:

Parcel _____, Parry Sound _____ Section, being Lot _____

Concession _____, designated as Part _____ Plan _____ which abuts

Part _____, shown on Plan 42R-_____

I/WE have a first right to purchase Part _____, shown on 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 the title to Part _____, shown on Plan 42R-_____

by the Township of _____, now the Municipality of Whitestone, to

_____ The registered owner(s) of Parcel _____

Parry Sound _____ Section, being Lot _____, Concession _____

designated as Part _____ on Plan _____

DATED at _____, this _____ day of _____, 20 .

Please print names below signatures.
