



The Corporation of the Township of North Kawartha
Schedule "A" to By-law #2022-0108

Shoreline Road Allowance Closure Policy and Application

Purchase of Shoreline Road Allowance Closure Application Guidelines

Many of the lakes in the Township of North Kawartha have a 66 foot / 20 metre shoreline road allowance that separates the property from the lake. The lakes excluded from having a shoreline road allowance are Julian Lake, Stoney Lake, and the south end of Eels Creek. Big Cedar Lake and Coon Lake have crown reserves on some of the lots that were auctioned by the Government in 1968 but no municipal shoreline road allowance. Eels Lake has some lots with a strip of crown reserve in between the property and the municipal shoreline road allowance (which must be purchased from the Ministry of Natural Resources and Forestry prior to purchasing the shoreline road allowance. This is usually evident at the time the survey is completed). All other lakes in the Township and the north part of Eels Creek have shoreline road allowances.

Application Process

Survey

The Applicant will require a survey and will have to engage an Ontario Land Surveyor to complete one at the Applicant's expense. The survey must show the shoreline road allowance as a part number on a registered plan. We do not keep any surveys on hand. The cost of completing the survey is the responsibility of the Applicant.

Survey requirements are as follows:

- (a) The survey of the lands to be closed and deeded shall not include any areas that have been filled, "man-made" or are under water;
- (b) The survey must show any/all submerged portions of the shoreline road allowance;
- (c) The survey must show any/all filled lands on the bed of the waterbody;
- (d) The survey must be deposited (i.e. Registered with date and signature of Land Registry office in the top right corner);
- (e) The frontage at the shoreline must be shown clearly in meters.

- (f) The shoreline road allowance must be defined as a separate part number on the plan;
- (g) When the survey consists of more than one part, an "X" must be placed on the particular part to be purchased;
- i. Lot lines will be determined by a straight line extension of the property line to the high water mark. If this is not possible and a deviation is required, the deviation must be approved by Council. The Applicant should provide a letter to Council outlining the deviation and the reason for it. A sketch of what is proposed should be included with the letter. If possible, it is advised that the Applicant seek approval in writing from the adjacent land owner that the deviation will affect. If the Applicant cannot contact the adjacent land owner, Municipal Staff will contact them on behalf of the Applicant. If the parties involved cannot reach an agreement regarding the adjustment to the property line, Council may do the following:
 - Council may deny/defer the application and keep the shoreline road allowance in Township ownership until such time as an agreement can be reached between the owners
 - Council will make the final decision of the deviation of the property line.
- (h) Surveys that are submitted and do not meet all of the above criteria, will be rejected.
- (i) Staff are available to review any existing surveys you may have to determine if they meet our requirements. Also, it is recommended that the surveyor provide us with a "draft" survey prior to registering it to ensure it meets our requirements.
- (j) Once you have an approved survey, we will require three full size copies of the survey and, if possible, one digital copy.

The municipality reserves the right to require further documentation as may be required to substantiate the purchase.

Application

A correctly completed 'Application to Purchase' form including the name, address and date of birth of all property owners. (Attached, see last page.)

Fees

There are three fees applicable to the shoreline road allowance application that must be submitted with your application: administration, legal and land fees.

Legal Costs

Effective December 20, 2022

- \$2000.00 (cheque payable to **Ewart, O'Dwyer in trust**)

These are approximate legal fees, please be advised that the costs to purchase may vary and you may be required to submit additional funds as required. If after the closure is complete, there are funds remaining on deposit, a refund will be issued to the Applicant from Ewart O'Dwyer.

Land fees are based on the water's edge frontage in metres as shown on the Registered Plan.

Effective January 1, 2023 to December 31, 2023

- Minimum fee of \$3030 plus HST for up to 150 feet / 45.72 metres of frontage
- Over 150 feet / 45.72 metres, \$3030 plus \$25 for each additional foot plus HST
- An amount of \$300 (no HST) to cover municipal administration costs

Effective January 1, 2024 to December 31, 2024

- Minimum fee of \$3520 plus HST for up to 150 feet / 45.72 metres of frontage
- Over 150 feet / 45.72 metres, \$3520 plus \$30 for each additional foot plus HST
- An amount of \$350 (no HST) to cover municipal administration costs

Effective January 1, 2025 to December 31, 2025

- Minimum fee of \$4010 plus HST for up to 150 feet / 45.72 metres of frontage
- Over 150 feet / 45.72 metres, \$4010 plus \$30 for each additional foot plus HST
- An amount of \$350 (no HST) to cover municipal administration costs

Effective January 1, 2026 to December 31, 2026

- Minimum fee of \$4500 plus HST for up to 150 feet / 45.72 metres of frontage
- Over 150 feet / 45.72 metres, \$4500 plus \$30 for each additional foot plus HST
- An amount of \$350 (no HST) to cover municipal administration costs

Upon presentation of your application to the Township Office, Municipal Staff will confirm your cost for lands based on the shoreline frontage indicated on your survey.

Upon Receipt of a Complete Application

The municipality will review the documentation provided and advise the Applicant of any deficiencies. The application will be held for a period of no longer than one month until all documentation is correctly completed. If the application has not been completed after one month, the entire application will be returned to the applicant.

The Township will forward the documentation to Mr. John Ewart, Ewart, O'Dwyer, Barristers and Solicitors, 311 George Street, Suite 103, Peterborough, Ontario K9J 3H3 Telephone: (705) 874-0404 Fax: (705) 874-1165.

During the legal process, the Solicitor will supply a proposed notice of closure that the Township of North Kawartha will forward to the adjacent property owners and the applicant using the mailing address on the most recent tax roll, informing them of the date of the public hearing. The public notice will also be published on the Township of North Kawartha website and posted in the Municipal Office at least 30 days prior to the Council meeting when the closure by-law will be considered. This will include contacting the Crown or Ministry of Natural Resources if required.

Note: Section 34(2) of the Municipal Act S.O., 2001, Chapter c.25 provides that a by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway, abuts on land, including land covered by water, owned by the Crown in right of Canada; or leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada;

Concerns may be addressed directly to the Municipality and written submissions will be provided to Council for the Public Hearing. This information will then be presented by Municipal staff at the public hearing. Anyone is welcome to attend the public hearing. Any concerns raised by members of the public must be resolved to Council's satisfaction prior to the enactment of a by-law to stop up, close and dispose of the subject road allowance.

Owners should check the description of their lands on their next tax notice or on the

assessment roll at the Municipal Office to ensure that the Municipal Property Assessment Office (MPAC) changes your property description to include the lands purchased. If you have concerns regarding the impact of purchasing the shoreline road allowance on your property assessment value, please contact the Municipal Property Assessment Corporation directly. The Municipality does not assign the assessed value to your lands.

Once your application has been forwarded to the Municipal Solicitor for processing, please allow at least six months to complete the purchase of the shoreline road allowance. The completion time may increase should easements be required or complications in the process occur.

Application to Purchase Unopened Municipal Road Allowance

I / We _____, (all owners named on Deed) request to purchase a portion of unopened Municipal road allowance abutting the property described as _____
(Insert Lot, Concession, Township, Plan & Lot if applicable) located near civic (911) address

Property Roll # _____

Mailing Address _____

Telephone _____

Email _____

Birthdate of Owner: _____

Birthdate of Owner: _____

Signature of Applicant

Signature of Applicant

Cost for Lands and \$ _____ (payable to "Township of North Kawartha")

Administrative fee

Legal Fees \$ _____ (payable to "Ewart, O'Dwyer in trust", **undated**)

Date Received

Signature of Municipal Staff

Submit Application to:

**Township of North Kawartha, P.O. Box 550, 280 Burleigh St., Apsley, ON K0L 1A0
(705) 656-4445 or 1-800-755-6931, Fax (705) 656-4446**

In accordance with the Municipal Freedom of Information and Protection of Privacy Act, the personal information gathered will be used for the purpose of processing this application.