

THE CORPORATION OF THE TOWNSHIP OF STRONG BY-LAW 2008 1574

BEING A BY-LAW TO SET THE POLICY FOR ROAD CLOSINGS OF ORIGINAL SHORE ROAD ALLOWANCE OR ORIGINAL ALLOWANCE FOR ROAD

WHEREAS Section 270 of the Municipal Act 2001, as amended in 2006 provides authorization to set policy for Road Closings of i) An Original Shore Road Allowance or ii) An Original Allowance for Road;

AND WHEREAS the Council of the Corporation of the Township of Strong deems it expedient to list in detail the policy approved for Road Closings

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STRONG DOES HEREBY ENACT AS FOLLOWS:

Road Closing Policies

Section 270 of the Municipal Act 2001, as amended in 2006

Step #1 Application and Deposit

Applicant will complete the Application form (available at the municipal office) and file this with the Municipality together with a non-refundable deposit of \$200.00 to cover the municipal investigation expenses.

Step #2 Council's Consideration

1. Council will then review the Application and any comments received.
2. Council will then by Resolution:
 - a) "approve in principle" of the Application, or;
 - b) reject the Application and direct that the Applicant be so advised.

Step #3 The Municipality will:

1. Send a copy of Council's Resolution:
 - a) to the Applicant;
 - b) to the municipal solicitors with any sketches or other diagrams relating to the area;
 - c) The adjacent land owners.

Note: The first approval of council must be "**approval in principle**" because the law is that Council cannot make a final decision until after the public meeting. In law, this is referred to as Council must not "**fetter their discretion**" by taking decisions before hearing all of the evidence at a public meeting.

Step #4 Utilities, Ministries and Public Works Canada

We will then send copies of a draft plan to the following for clearances:

- .1 Hydro One.
- .2 Bell Canada.
- .3 Public Works Canada.

Step #5 No obvious issues

On looking at the documentation, if we see no obvious issues, we will:

1. Letter to the Applicant - send a letter to the Applicant asking that they deposit with the Municipality \$1,800.00 against future expenses.
2. Survey - enclose instructions for the applicant to send to their surveyor who they will engage to do the surveying. The draft Reference Plan is not to be registered until it is approved by the Municipality.

Step #6 "Draft" Reference Plan

The surveyor will send:

1. One (1) copy to the Municipality.

Road Closing Policy by-law 2008 – 1574 page 2

Step #7 Registration of Reference Plan

After the draft reference plan has been approved by the Municipality we will then:

1. Request that the plan be registered.
2. That two (2) registered copies be sent to the Township.

Step #8 Public Notice - Newspaper

We will then prepare the newspaper Public Notice and the Clerk will order an ad insert in the newspaper with a one time ad at least 20 days before the Public Meeting and posting the Notice of road closure by the Property Owner noting that the notice must be left up until 20 days after the Public Meeting .

Step #9 Newspaper Publication Details

1. The Clerk will advise the law firm by a "Clerk's Declaration Schedule" of:
 - a) the name of the newspaper in which the notice will be published;
 - b) expected dates of publication;
 - c) date of public meeting as set out in the notice
2. The Clerk will keep on file:
 - a) a full size copy of the publication as it appeared in the newspaper;
 - b) the dates in which the notice was published and posted.

Step #10 The By-law closing the road allowance

We will then prepare the by-law and:

- 1 The original copy is for the municipality's by-law books.
- 2 Then three copies with the "certification" at the bottom is to be completed & signed as originals and submitted to the law firm with the appropriate Plan of Survey and a copy of the account paid by the applicant indicating the amount paid for the Land.

Step #11 Financial Accounting

1. Township to send a final account to the Applicant, which is to include the purchase price of the land.

2. When the account is paid for all lands listed on the By-law the package is prepared to send to the law firm.

Step #12 **Easements to Utilities and Ministries**

By this date, we will have replies from Hydro One, Bell Canada, Public Works, etc., as to whether or not they require an easement for their services on the road allowance to be closed:

1. If easements are required, then communication with the utility as to:
 1. Specific surveys.
 2. Preparation of specific easements.
 3. By-laws by the municipality to approve the easements.
 4. Negotiate with the utility of easements to be registered **prior** to conveyance to the applicant.

Step #13 **Registration of Municipal by-law**

The Law firm will then arrange for the registration of the road closing by-law at the Land Titles Office. This puts the land into the name of the Municipality in preparation for the next step of a conveyance

Note: Attach to the by-law is an Affidavit of the Clerk.

Step #14 **Transfer/Deed**

1. When all of the above have been completed, the Transfer/Deed will be forwarded to the Township for execution by the Law Firm.
2. The Township will return all copies of the Transfer/Deed to the law firm.

Road Closing By-law #2008 – 1574 Page 3

Step #15 **Title Transfer**

1. The Municipality will confirm that payment has been made for the land.
2. We will forward the Transfer/Deed to the solicitor for registration.

READ A FIRST TIME THIS 10TH DAY OF JUNE 2008

READ A SECOND TIME AND FINALLY PASSED ON A MOTION BY

Merlyn Snow

AND SECONDED BY

Vi Montpetit

THIS 24TH DAY OF JUNE 2008

Diana Georgie, Clerk

Stephen R. Rawn, Mayor

**CERTIFIED to be a true
Copy of by-law #2008 – 1574
Enacted in open council
This 24th day of June 2008**