



THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

BY-LAW NUMBER 3215-2015

A BY-LAW TO ESTABLISH PROCEDURES GOVERNING THE CLOSURE AND SALE OF MUNICIPAL ROAD ALLOWANCES WITHIN THE TOWNSHIP OF AUGUSTA

WHEREAS Section 9 of the Municipal Act, 2001, as amended, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes for exercising its authority under this or any other act;

AND WHEREAS Section 270(1) of the Municipal Act, 2001, as amended, requires that a municipality adopt and maintain policies with respect to the sale and other disposition of land;

AND WHEREAS the Council of the Corporation of the Township of Augusta deems it appropriate to establish procedures governing the closure and sale of municipal road allowances;

NOW THEREFORE, the Council of The Corporation of the Township of Augusta enacts as follows:

1. THAT the Municipal Road Allowance Closing Procedure provided in Schedule "A" of this by-law be approved by Council.
2. THAT this by-law shall come into force and take effect upon its passing.
3. That any other by-laws inconsistent with this by-law are hereby repealed.

Read a first and second time this 30 day of November 2015.

Read a third time and passed this 30 day of November 2015.

MAYOR

CLERK

SCHEDULE A TO BY-LAW 3215-2015			
Policy:	Stopping up and Closure of Unopened Road Allowances	Date issued:	
Coverage:	Staff, Elected officials	Resolution:	

1.0 Purpose

From time to time the Township of Augusta receives requests to close unopened road allowances and to sell the closed road allowance to neighbouring land owners. The closure (traditionally known as stopping up) of an unopened road allowance can often be desirable for adjacent land owners as it is an opportunity to increase lot area and provides for control over lands which could potentially be used by others (for example snowmobilers, off road vehicles or hikers). Unopened road allowances can also provide for future access opportunities, for example access to a waterbody. Accordingly stopping up unopened roads should be carefully considered and where a decision is made to proceed, an equitable and transparent process should be followed.

2.0 Scope

This policy applies to the CAO, Clerk and Council.

3.0 Restrictions

Requests to stop up and sell unopened road allowances which could provide public access to the St Lawrence River will not be considered. All other requests shall be subject to the following process.

4.0 Process

STEP 1 – Letter of Request

The Township may agree to the disposal of the property to abutting landowners. Disposal will be as set out in the *Municipal Act, 2001* or as agreed upon by the abutting landowners. A letter of request is to be received from the proponent which shall include the following information:

- A map of the proposed unopened road allowance to be stopped up and/or closed including identification of adjoining properties
- Supporting documentation from adjoining owners supporting the stopping up and/or closure of the road allowance
- If the road is to be sold to the adjoining property owners, a diagram of how the property is to be divided
- Payment by the application to cover the costs as established by Council from time to time

STEP 2 - CAO Review

Upon receipt of the letter of request and all necessary documentation, the CAO or his/her designate will:

- Notify all utilities of the proposal, including but not limited to hydro, gas, telephone and cable
- Notify the United Counties of Leeds and Grenville
- Provide notice of the proposed sale in accordance with the provisions of By-law 2015-3214 governing the sale of municipal property.
- Prepare a preliminary report for the Planning Advisory Committee's (PAC) consideration including all comments and recommendations received through the circulation process.

STEP 3 – Council Direction

The PAC will review the information provided via the CAO's report and make its recommendation to Council.

If Council offers no objection to proceeding, staff will proceed in accordance with the *Municipal Act, 2001*, as amended.

If Council declines to proceed, the applicant(s) will be notified of Council's decision, including the basis for such decision.

Costs

Costs associated with the road stopping up and/or closing procedures include but may not be limited to:

- Preliminary Map
- Listing of abutting property owners
- Clerk's letters to all utilities
- Clerk's letter to the United Counties of Leeds and Grenville
- Clerk's communication with department heads
- Clerk's report to the PAC
- Clerk's report to Council
- Clerk's letters to immediate neighbouring property owners
- Preparation of draft by-law
- Advertising costs, if necessary
- Registration of by-law
- Clerk's correspondence with applicant(s)

Total costs of the process will be prepared and invoiced to the purchaser. Costs must be paid prior to finalizing the sale.