

Schedule 'A' to By-law 121-2008

POLICY FOR DISPOSAL AND SALE OF ROAD ALLOWANCES

1. Policy

The policy of The Corporation of the Town of Kingsville is that all road allowance interests which are surplus to the needs of the Town shall be sold so as to maximize financial return to the Town while observing and achieving corporate public policy.

2. Purpose

This policy has been developed in accordance with the provisions of Section 270.(1)1. of the Municipal Act, S.O. 2001, c. 25, as amended from time to time. The purpose, goal and objective of this policy is to ensure fairness, objectivity and transparency in the disposal and sale of road allowances and a procedure to process any request that has been supported by the Council.

3. Definitions

For the purposes of this policy:

"Abutting property owner" shall mean the owner of the property which side yard abuts the flankage of the Road Allowance;

"Appraisal" shall mean a written opinion as to the fair market value that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer;

"Clerk" shall mean the Clerk of The Corporation of the Town of Kingsville;

"Disposal" shall mean the sale of real property;

"Non-viable Property" shall mean a parcel of land, which, on its own, would not be eligible for a building permit;

"Real Property" shall mean land and/or buildings owned by The Corporation of the Town of Kingsville and any interest, estate or right of easement affecting the same;

"Road Allowance" shall mean any open, closed, assumed, un-assumed or forced road allowance situated in the Town of Kingsville and shown on a registered plan of subdivision or made by the Crown Surveyors;

"Town Solicitor" shall mean the Solicitor of The Corporation of the Town of Kingsville;

"Viable Property" shall mean a parcel of land, which, on its own, would be eligible for a building permit.

4. General

a) The Applicant must file the following documentation with the Town:

- i) A correctly completed 'Application to Purchase Road Allowance' form;
- ii) The purchaser(s) shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, improvements, administrative fees, etc.

b) Consent from the abutting property owner(s), indicating their approval of the sale and purchase of the road allowance, as shown on the reference plan.

c) The Town will review the documentation provided and advise the applicant of any deficiencies. Upon presentation of the application to the Town, the request will be circulated to the Municipal Services Department and the Planning Review Committee for comment and to deem it surplus to

the Town requirements. The Town Solicitor would conduct a full title search of the subject and abutting properties.

- d) Notice is provided by mail to each abutting property owner to the subject road allowance, as determined by the Clerk to obtain any affected interest, ingress or egress to their property. A written response from each abutting property owner is required to address any concerns and to be resolved to Council's satisfaction. The Council approves and declares by resolution the road allowance is surplus and available for sale.
- e) Reference Plan Requirements:
 - i) A reference plan is required for the conveyance and to show all structures and their plotted location on the road allowance to be conveyed;
 - ii) The road allowance must be identified as a part on the reference plan to be registered at the Land Registry Office for merging purposes.

The Reference Plan is to be prepared by a qualified Land Surveyor and indicate the deposited Plan number on the Plan. Three (3) copies of the reference plan are to be provided to the Clerk with one to be forwarded to the Town Solicitor for transfer purposes.

- f) Council shall obtain at least one appraisal of the appraised value of the real property from an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
- g) The surplus road allowance is deemed to be a viable building property or a non-viable property in the appraisal and the Town shall offer it for sale at the appraised value to the property owner(s) whose land is adjacent to the road allowance. Each property owner may purchase the abutting portion of the road allowance to the centre line of the road allowance. If an abutting property owner does not wish to purchase that portion of the road allowance, then it shall be offered for sale to the other abutting property owner.
- h) In cases, where all abutting property owner(s) whose land is adjacent to the road allowance do not agree to purchase the surplus road allowance at the appraised value and it is considered as a viable building lot, then staff shall notify Council and a recommendation made to offer the surplus road allowance for sale to the public at the appraised value in a manner outlined below in Section 4(j).
- i) Notice of intent for the Council to close and sell the surplus road allowance shall be advertised at least once in local newspapers having a general circulation throughout the Town of Kingsville.
- j) The road allowance shall be offered for sale to the general public in a manner set as follows:
 - i) by sealed tender having a closing date of at least 21 days from the first publication of the notice to sell surplus lands. Administration reserves the right to reject any or all tenders if the amount fails to meet the appraised value of the land; or
 - ii) by listing the property for sale with a real estate firm or agent; or
 - iii) by public auction.
- k) A By-law is approved by the Council to close up and sell the surplus road allowance should no objections be received and a certified copy of the By-law is provided to the Town Solicitor for registration in the Land Titles Office in accordance with the Municipal Act, 2001, as amended. Should an objection be received, the Council shall consider the objection and may provide Administration with direction on how to proceed with the proposed sale of the road allowance;
- l) The Town Solicitor is instructed to prepare all necessary deeds for conveyance to the purchasers, invoice for all legal, survey, appraisal costs and purchase price and registration of the road closing By-law.

- m) **The Clerk's Office shall complete a PSAB (3150) worksheet for the surplus land and to deposit the same with the Director of Financial Services.**

APPLICATION TO PURCHASE ROAD ALLOWANCE

I / We _____

(Property Owners)

Request to purchase the road allowance adjacent to the property described as: _____

(Legal Description)

Mailing Address:

Telephone:

Signature of Applicant

Signature of Applicant

Cost for Lands, appraisal, encumbrances, improvements, administrative fees, legal fees, survey, etc.

\$ _____

Date Received

Signature of Municipal Staff

Submit Application to:

Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Attention: Clerk, Linda Burling