



## THE CORPORATION OF THE CITY OF QUINTE WEST Road Closure/Conveyance Procedure

### A Natural Attraction

#### 1. Criteria for Road Closure/Conveyance Request

- 1.1 All requests for closure of road allowance and conveyance shall conform to the procedures outlined herein.
- 1.2 All requests for road closure and conveyance shall be submitted to the Deputy City Clerk in the form attached hereto as Appendix A and shall contain a deposit payable to the City of Quinte West in the amount of \$5,000.00 (\$450.00 of which is a **non-refundable** administration cost).
- 1.3 The applicant shall be responsible for all costs associated with the closure and conveyance which may include legal opinions and advice, appraisal fees, title search, registration, advertising, survey and land costs.
- 1.4 The applicant may be required to submit funds in addition to the initial deposit indicated in Section 1.2 in order for the application process to continue and be finalized.
- 1.5 Land costs are set in accordance with the fair market value of the property. All appraisals shall be conducted by the City.
- 1.6 All surveys required shall be conducted by the City and applicants are advised that they do not have authority to conduct surveys of City owned land, unless instructed to do so by the City.

#### 2. Review Process

- 2.1 Following receipt of the completed application form and the deposit, City staff will conduct a review to determine if:
  - a) there is an opened road that parallels the unopened allowance or essentially serves as the intended road,
  - b) portions of the unopened road allowance have already been disposed of and are situated adjacent to the requested closure,
  - c) request is for road allowance that could serve present or future public needs,
  - d) request corrects/improves hardship,
  - e) request is for personal improvement to applicant's property,
  - f) there is any other issue, in City staff's opinion, should be reviewed.
- 2.2 A review of adjacent properties will be conducted to ensure the road allowance:
  - a) will not result in any property being landlocked as a result of the closure,

- b) does not abut Crown Land including a road allowance under water,
  - c) does not lead to a bridge, wharf, quay, shoreline or any other work owned by the Crown,
  - d) is not under water, but if closure is to be recommended, written comments from The Ministry of Natural Resources as to consent of MNR to convey (*reference MA Section 43*) will be requested.
- 2.3 City staff will circulate relevant documents and background information to affected departments and the City solicitor (if necessary) for comment. Staff comments will be forwarded to the applicant at this time with a request for the applicant to confirm in writing their wish to proceed or decline moving forward with the application.
- 3. Report to Corporate Finance Committee**
- 3.1 Upon receipt of confirmation under 2.3 City staff will:
- a) place a notice in a local paper of the City's intention to pass a by-law to close and convey the unopened road allowance, also at this time advertising a public meeting to allow for public comment on the application,
  - b) notice in the paper shall be placed once a week for two successive weeks prior to the date when the Committee will consider the application.
- 3.2 A report outlining the request and the results of the review process will be submitted to the Corporate Finance Committee with a staff recommendation to either:
- a) deny the request for road closure
  - or
  - b) declare the land surplus and proceed with the request, in whole or in part, to the next stage of advertising of Committee's intent to close and convey the road allowance.
- 3.3 If the recommendation to deny the request is approved by Committee, the City will return the deposit less \$450.00 plus any additional expenses incurred, to the applicant.
- 3.4 If the recommendation to proceed is approved by Committee, the City will:
- a) proceed with a survey of the subject property,
  - b) proceed with an appraisal of the subject property,
  - c) advise the applicant of the fair market value of the property,

d) prepare documentation for Council's approval of application.

**4. Completion of the Transaction**

- 4.1 Following Council enactment of the By-law, City staff will forward all necessary documentation to the City solicitor to complete the transaction.
- 4.2 Upon completion of the transaction the solicitor will provide the City with a statement of their final costs and three copies of final registered documents.
- 4.3 After the transaction is finalized and all invoices have been paid from the applicant's initial deposit, should a balance remain in the account a refund of the balance will be made to the applicant. Additionally, any invoices in excess of the initial deposit are the responsibility of the applicant.



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APPENDIX A  
CORPORATION OF THE CITY OF QUINTE WEST  
Request for Closure and Conveyance of Unopened Road Allowance

1. **Applicant** (must be a registered owner of property adjacent to the unopened road allowance).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

2. **Agent** (If applicable a separate Authorizing Agent Form is required).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

3. **Location of Road Allowance:** Lot \_\_\_\_\_ Con \_\_\_\_\_ Ward \_\_\_\_\_

4. **Legal Description of Applicant's Property:**

\_\_\_\_\_

5. **Reason for Request:** (attach letter if insufficient space)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. **Required attachments:**

- o Sketch, plan or survey identifying location, any structures and abutting uses
- o Proof of ownership of lands abutting the Road Allowance
- o Authorization of Agent (if applicable)
- o Deposit of \$5,000.00, payable to the City of Quinte West
- o Other (specify): \_\_\_\_\_

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**I have read and understand the attached Road Closure and Conveyance Procedures/Criteria and I agree that I shall be responsible for all costs associated with the requested closure and conveyance.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

***Personal information on this form is collected under the authority of the Municipal Act, 2001 (c. 25 as amended) and will be used to process the applicant's request.***

**Appointment of Authorized Agent  
Request for Closure and Conveyance of Unopened Road Allowance**

Please note that once you appoint an agent to act on your behalf, all correspondence, etc related to the application will be sent directly to the agent.

I \_\_\_\_\_ of \_\_\_\_\_  
Applicant's name Place of Residence

Hereby appoint \_\_\_\_\_ to act as agent  
Agent's Name

on my behalf regarding a request for closure and conveyance of an unopened road

allowance located at \_\_\_\_\_.  
Lot, Concession, Ward

Declared before me at the City of  
Quinte West, County of Hastings,  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Commissioner of Oaths

Personal information on this form is collected under the authority of the Municipal Act, 2001 (c. 25 as amended) and will be used to process the applicant's request.