

**The Corporation Of The City Of Quinte West
By-Law Number 20-098**

Being A By-Law To Adopt A Road Closure / Conveyance Policy For The City of Quinte West.


Whereas a Road Closure / Conveyance Policy shall set the process / procedure associated with the closure and conveyance of unopened road allowances within the jurisdiction of the City of Quinte West;

And Whereas it is deemed necessary and appropriate to establish a City of Quinte West Road Closure / Conveyance Policy;

Now Therefore The Council Of The Corporation Of The City Of Quinte West Hereby Enacts As Follows:

1. That this By-law shall be entitled the **"City of Quinte West Road Closure / Conveyance Policy By-law"**.
2. That the City of Quinte West Road Closure / Conveyance Policy as set out in Schedule 'A' attached hereto, is hereby adopted for the City of Quinte West.
3. This By-law shall take effect upon the final date of passing.

Read A First, Second And A Third Time And Finally Passed This 19th Day Of October, 2020.



Jim Harrison, Mayor



Kevin Heath, City Clerk



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Policy: Road Closure / Conveyance	Corporate Policy Number:	
Date of Issue: October 19, 2020	Review/Revision Date: Annual	
Approved By: Council	Location/Coverage: Corporate Services	Page 1 of 2

Intent

The intent of this policy is to establish a determined process for Road Closure / Conveyance of unopened road allowances within the City of Quinte West.

Scope

This policy shall set the process / procedure associated with the closure and conveyance of unopened road allowances within the jurisdiction of the City of Quinte West.

Process / Procedure

1. Criteria for Road Closure/Property Sale Conveyance Request

- 1.1 All requests for closure of road allowance/property sale conveyance shall conform to the procedures outlined herein.
- 1.2 Typically, the City will convey half of the width of the Road Allowance to each abutting landowner unless there is an agreement between the abutting landowners, which may include a landowner's written expression that he/she does not wish to purchase any portion of the road allowance.

In the absence of a written expression, the City will contact the owner(s) of the property(ies) adjacent to the allowance to ascertain if that individual wishes to purchase the portion of the road allowance which they would be eligible to purchase. If that individual does wish to purchase their portion, they must also complete an application, with applicable fees, for consideration. If that individual does not wish to purchase their portion,

the applicant may apply to purchase the entire width of the road allowance abutting their property.

Upon mutual consent of the participant(s), if two (2) or more applicants join in one (1) application, costs for each participant may be shared, and can be reduced.

- 1.3 All requests for road closure/property sale 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 PLUS a non-refundable administration fee, as referenced in the Consolidated Fees and Charges By-law.
- 1.4 The applicant shall be responsible for all costs associated with the road closure/property sale and conveyance which may include legal opinions and advice, appraisal fees, title search, registration, advertising, survey and fair market value land costs.
- 1.5 The applicant may be required to submit funds in addition to the initial deposit indicated in Section 1.3 in order for the application process to continue and be finalized.
- 1.6 Land costs are set in accordance with the fair market value of the property. All appraisals shall be conducted by the City.
- 1.7 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, or sell real property and convey, 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.
 - c) Notice of the date, time and location of the public meeting to allow for public comment shall be circulated to property owners within 120m of the subject lands if in an urban area OR within 250m of the subject lands if in a rural area. Such notice shall be given a minimum of 20 days prior to the public meeting.
 - d) The City shall place signage to clearly identify the subject road allowance for a period of twenty (20) days minimum prior to the public meeting. This signage / notice shall remain posted for the required period of time.

- 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 property sale
- 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 or sell real property and convey
- 3.3 If the recommendation to deny the request is approved by Committee, the City will return the deposit, less the non-refundable administration fee, 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.

Administration

This process shall be administered by the Clerk's Department.



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Appendix A
Corporation Of The City Of Quinte West
Request for Closure and Conveyance of Unopened Road
Allowance/Property Sale

1. **Applicant** (in the case of an unopened road allowance the 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/Real Property:** Lot ___ Con ___ Ward ___

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

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

6. Required attachments:

- Sketch, plan or survey identifying location, any structures and abutting uses
- Proof of ownership of lands abutting the Road Allowance
- Authorization of Agent (if applicable)
- Deposit of \$5,000.00, payable to the City of Quinte West, PLUS Non-refundable administration fee, as per Consolidated Fees and Charges By-Law
- Other(specify):

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

Dated this _____ day of _____, 20_____.

Signature of Applicant

Personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, 1990 and will be used to process the applicant's request.



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**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 Oath

Personal information on this form is collected under the authority
of the Municipal Freedom of Information and Protection of Privacy Act, 1990
and will be used to process the applicant's request.