

The Corporation of the Municipality of Trent Lakes

Shoreline Road Allowance Closure Application Guidelines

The Municipality offers for sale the 66 foot shoreline allowance **only** to the property owner whose land is separated from the lake by this allowance.

Application Process

The Applicant files the following documentation with the municipality:

1. A correctly completed "Application to Purchase" form, including all owners. (Attached)
2. A cheque payable to the **Municipality of Trent Lakes** to cover the cost of lands, H.S.T. and municipal administration costs. A cheque payable to **LLF Lawyers, in trust** to cover legal fees, advertising costs and the Solicitor's administration costs **undated**.
3. Six unmarked copies of the **registered** survey plan and one copy with the above consents are required. The shoreline road allowance portion should be indicated as a separate part number. We understand that considerable savings can be realized if groups of owners arrange for a survey, since this cost can be divided.

Costs

All survey costs are the responsibility of the applicant.

Costs For Lands

The fee for the purchase of shoreline road allowances is \$40.00 per linear foot, plus H.S.T.

There is also an Administration Fee of \$500.00.

Upon presentation of your application to the Municipal Office, Municipal Staff will calculate your cost for lands based on the shoreline frontage indicated on your survey.

Legal Costs

- (a) 1 application – To be determined at time of application
- (b) 10 applications – To be determined at time of application

These are approximate legal fees, please be advised that the costs for purchases may vary and you may be required to submit additional funds as required. If after the closure is complete, there are funds remaining on deposit, a refund will be issued to the applicant from LLF Lawyers.

The Municipal Office is prepared to accept individual applications and collect them into a group of ten in order to keep legal and administration costs at a minimum. **If you wish to have your application included with a group of ten, we suggest that you submit your cheque payable to LLF Lawyers, in trust, undated.**

Consent from Adjacent Landowners

Discuss your shoreline purchase with your neighbours. You may wish to discuss your survey with your neighbours before it is completed in order to determine whether they are in favour of the proposed boundary lines.

Note: In the event of a disagreement between abutting land owners over the location of the property line or other such matters, the Council of the Municipality of Trent Lakes will provide the final decision.

Survey Requirements:

- (a) The survey of the lands to be closed and deeded shall not include any areas that have been filled, "man-made" or are under water;
- (b) The survey must show any/all submerged portions of the shoreline road allowance
- (c) The survey must show any/all filled lands on the bed of the water body;
- (d) The survey must be deposited (i.e. Registered with date and signature of Land Registry office in the top right corner);
- (e) The frontage at the shoreline must be shown clearly in feet;
- (f) The shoreline road allowance must be defined as a separate part number;
- (g) When the survey consists of more than one part, an "X" must be placed on the particular part to be purchased;
- (h) Surveys that are submitted and do not meet all of the above criteria, will be rejected.

The municipality will review the documentation provided and advise the Applicant of any deficiencies. The application will be held until all documentation is correctly completed.

The documentation will be sent by the Municipality to Mr. Jim Baird, LLF Lawyers, Barristers and Solicitors, 332 Aylmer Street, P.O. Box 1146, Peterborough, Ontario K9J 7H4 Telephone: (705) 742-1674 Fax: (705) 742-4677.

During the legal process the Solicitor will supply a proposed notice of closure that must be displayed in six prominent places in the vicinity of the property for a period of four (4) weeks. This posting is done by the Municipality and notices must be permitted to remain for the required period of time. The Notice must be posted on the website, at least two weeks prior to the Council meeting when the closure by-law will be considered.

Any person who feels his/her ingress or egress to his/her property may be affected, can file an objection. Any negative comments would be resolved before Council would enact a by-law.

Owners should check the description of their lands on their next tax notice or on the assessment roll at the Municipal Office to ensure that the Regional Assessment Office

changes your property description to include the lands purchased.

The purchase of a shoreline road allowance does not normally increase your property assessment. If you do experience an increase in assessment, contact the Regional Assessment Office for assistance. Please remember, the municipality does not assign the assessed value to your lands - the Regional Assessment Office does.

Once your application has been forwarded to the Municipal Solicitor for processing, please allow at least 18 months to two years to complete the purchase of your shoreline road allowance. The completion time may increase should easements be required or complications in the process occur.

Submit Application to: Municipality of Trent Lakes
 760 County Road 36
 Trent Lakes ON K0M 1A0
 (705) 738-3800 or 1-800-374-4009
 Fax (705) 738-3801

**Application To Purchase
Shoreline Road Allowance**

I/We _____

(all owners named on Deed)

request to purchase the 66 foot shoreline road allowance fronting the property described as

(insert Lot, Concession, Township, Plan & Lot if applicable)

Mailing Address:

Telephone: _____

Email Address: _____

Birthdate of Owners (required for registration of deed):

Signature of Applicant

Signature of Applicant

Cost for Lands: \$ _____ (payable to Municipality)

H.S.T.: \$ _____ (payable to Municipality)

Administration Fee: \$ _____ (payable to Municipality)

Legal Fee: \$ _____ (undated, payable to LLF Lawyers, in trust)

Date Received

Signature of Applicant

Please hold this application for submission with a group of ten applicants.

Signature of Applicant

Signature of Applicant

Shoreline Purchase Agreement

This Agreement made in duplicate this

_____ day of _____, _____.

Between

_____ hereinafter called the
"Owner"

The Party of the First Part,

- And -

The Corporation of the Municipality of Trent Lakes, hereinafter called the
"Municipality"

The Party of the Second Part,

WHEREAS the Owner holds title in fee simple to the land premises more particularly described in Schedule "A" annexed hereto;

AND WHEREAS the Municipality holds title to that portion of the original shore road allowance more particularly described in Schedule "B" annexed hereto;

AND WHEREAS the Municipality requires all applicants to enter into an agreement with respect to the protection of the shoreline road allowances as a condition precedent to obtaining title thereto:

NOW THEREFORE that in consideration of the sum of One Dollar (\$1.00), now paid by each party to the other, the receipt and sufficiency thereof is hereby by each of them respectively acknowledged, and in further consideration of the mutual provisos and covenants hereinafter set forth, the parties hereto covenant and agree as follows:

- 1) The Owner acknowledges that he may not straighten, change, divert, interfere with existing channels nor introduce fill to nor cut fill from nor construct any structure of any kind or nature, or otherwise alter the lands and premises more particularly described in Schedule "A" annexed hereto, without first obtaining a permit to do so from the Chief Building Official for the Corporation of the Municipality of Trent Lakes.
- 2) It is expressly understood and agreed that the permit referred to in Paragraph 1 of this Agreement, may not be issued in the event that the Owner is unable to comply with the criteria set forth in the Municipality's By-law governing alterations to property adjacent to waterways.
- 3) In the event the Owner takes any steps to alter in any way, shape or form the lands and premises more particularly described in Schedule "A" annexed hereto without obtaining a permit to do so, the said Owner confirms that this Agreement may be pleaded in a court of competent jurisdiction as consent of the Owner to a mandatory injunction issuing at the request of the Municipality to restrain unlawful alteration to lands adjacent to navigable waterways.

- 4) This Agreement shall ensure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

This Agreement shall be read with such changes of gender and number as the context may require.

IN WITNESS WHEREOF the Party of the First Part has hereunto set his/her hand and seal and the Party of Second Part has hereto affixed its Corporate Seal duly attested by the hands of its Mayor and Clerk duly authorized in that behalf.

Signed, Sealed And Delivered
In the presence of

)
)
)
)
)
)

witness

The Corporation of the Municipality of Trent Lakes

Mayor

Clerk

Schedule "A" To Shoreline Purchase Agreement

Description of Applicant's Land

Concession _____

Lot _____

Plan _____

Lot/Part _____

Ward _____

Lake Name _____

Schedule "B" To Shoreline Purchase Agreement

**Description of Municipality's Land
(To Be Completed By Staff)**

Part of the Road Allowance in front of:

Concession:

Lot:

Plan:

Lot/Part:

Ward:

Being described as Part(s) on Plan 45R-