

**The Corporation of the Township of
Galway-Cavendish and Harvey**

**SHORELINE ROAD ALLOWANCE CLOSURE
APPLICATION GUIDELINES**

The township 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, see last page.)
2. A cheque payable to the **Township of Galway-Cavendish and Harvey** to cover the cost of lands and municipal administration costs. A cheque payable to **Howell, Fleming 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 \$20.00 per foot.

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

LEGAL COSTS

- (a) 1 application - \$2,300.00
- (b) 10 applications - \$800.00 each

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 Howell, Fleming.

The Township 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 Howell, Fleming, 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 Township of Galway-Cavendish and Harvey 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. Robert Pakenham, Howell, Fleming, Barristers and Solicitors, 415-417 Water Street, P.O. Box 148, Peterborough, Ontario K9J 6Y5 Telephone: (705) 745-1361 Fax: (705) 745-6220.

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 Township and notices must be permitted to remain for the required period of time. The Notice must be published in local newspaper(s) at least four (4) times, the final publication must be one week 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 one year to complete the purchase of your shoreline road allowance. The completion time may increase should easements be required or complications in the process occur.

**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 _____

BIRTHDATE OF OWNERS _____

(Required for registration of deed)

Signature of Applicant

Signature of Applicant

COST FOR LANDS \$ _____ (payable to Municipality)

LEGAL FEES \$ _____ (undated, payable to Howell, Fleming in trust)

Date Received

Signature of Municipal Staff

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

Signature of Applicant

Signature of Applicant

Submit Application to: Township of Galway-Cavendish and Harvey
Box 820, 701 County Road #36
Bobcaygeon, Ontario K0M 1A0
(705) 738-3800 or 1-800-374-4009
Fax (705) 738-3801

SHORELINE PURCHASE AGREEMENT

THIS AGREEMENT made in duplicate this

_____ day of _____, _____.

BETWEEN

_____ of the Township of Galway-Cavendish and Harvey, in the County of Peterborough, hereinafter called the "Owner"

OF THE FIRST PART,

- AND -

THE CORPORATION OF THE TOWNSHIP OF GALWAY-CAVENDISH AND HARVEY, hereinafter called the "Township"

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

AND WHEREAS the Township 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 or 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 Township of Galway-Cavendish and Harvey.
- 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 Township'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 Township to restrain unlawful alteration to lands adjacent to navigable waterways.

- 4) This Agreement shall enure 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 Reeve and Clerk duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

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THE CORPORATION OF THE
TOWNSHIP OF GALWAY-CAVENDISH
AND HARVEY.

REEVE

CLERK

SCHEDULE "A"

T0

SHORELINE PURCHASE AGREEMENT

DESCRIPTION OF APPLICANT'S LAND

CONCESSION _____

LOT _____

PLAN _____

LOT _____

LAKE _____

TOWNSHIP _____

66' SHORELINE APPLICATION CHECK LIST

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

NAME	
ROLL #	
MAP #	
911 ADDRESS	
NEIGHBOURS	
	Completed application form with signatures and birthdates of all owners.
	It is advisable that your adjacent property owners be made aware of your application.
	Survey must indicate registered plan number in top right hand corner and date of registration, frontage in feet shown clearly at the shoreline. Six unmarked copies required, shoreline portion designated by Part #.
	An X placed on the actual lot if more than one on survey.
	Cheque issued to the Township of Galway-Cavendish and Harvey for land fee.
	Cheque issued to Howell, Fleming in trust (undated) for legal fees.