

December 2 2010 -Hand delivered

Corporation of the Township Of North Kawartha
Attention Members of Council

Re: North Kawartha Bylaw # 00-08 Purchase of Shore Road Allowances –Consent of Adjacent Landowners

When this bylaw was passed it changes the price structure for purchasing shore original 66 ft shore road allowances and also changed to requirements related to consent of adjacent owners.

Previous to the subject bylaw the SHORELINE ROAD ALLOWANCE CLOSURE APPLICATION GUIDELINES included the following:

Consent from Adjacent Landowners

Discuss your shoreline purchase with your neighbors and ask them to sign a statement on a copy of your survey plan. You may wish to discuss your survey with your neighbors before it is completed in order to determine whether they are in favor of the proposed boundary lines.

Suggested statement to be included on your survey.

“We the undersigned abutting property owners have no objection to the proposed straight line extension to the High Water mark as shown on this survey plan (your name) for the purpose of acquiring the 66 foot shoreline allowance abutting their property.”

Bylaw # 00-08 Schedule A Shoreline Road Allowance Closure Policy
Page 4 of 7 Consent from Adjacent Landowners

Consent from Adjacent Landowners

Consent is only required if your adjacent landowners is the Crown or Ministry of Natural Resources. An additional survey copy will likely be required by the Crown to obtain their consent. Please contact Ministry of Natural Resources for their consent in writing to be provided to the Township of North Kawartha with your application.

Notification of Adjacent Landowners and the Public

The Township of North Kawartha will forward a copy of the public notice to the adjacent property owners and the applicant informing them of the date of the public hearing. The public notice will also be published on the Township of North Kawartha website and posted in the municipal Office at least two weeks prior to Council meeting when the closure by-law will be considered.

Concerns may be addressed directly to the Municipality and written submissions will be provided to Council for the Public Hearing. This information will be presented by Municipal staff at the public hearing. Anyone is welcome to attend the public hearing.

Acting reasonably under the requirements of the law, the Council of the Township of North Kawartha shall determine the merit of any objection. **In the event of a disagreement between adjacent property owners over the location of the survey line or other such matters the Council of the Township of North Kawartha will provide the final decision.**

In 1992 I undertook a study regarding shore road allowances (Shore Road Allowances in Haliburton Evolution and Disposition by Ambrose Moran April 1996) in which among other aspects Lot Line Extensions was discussed. Attached is section 14 Lot Line Extensions on pages 31-33. A complete copy of the report is available on request.

Since 1997 while selling area waterfront properties, I and other agents have advised prospective purchaser that **yes** you can purchase original 66 shore road allowances **but** require among other things the agreement of your neighbors on the lot line extensions. This approach, as far as I know, has worked well over the years and I understand in certain unique cases the objections by neighbors were dealt with through an arbitration process.

Many municipalities will not process with the sale of a shore road allowances without the written agreement of the neighbors on the survey boundary extensions.

In discussions with **MNR** who dispose of a large number of 66 shore crown reserves. They have advised me that **they would not expose themselves the potential liability of the agreeing to lot line extensions without the neighbors written agreements.**

I feel strongly that Council should not agree to dispose of original shore road allowances based to straight-line extensions of survey boundaries which would negatively impact the use enjoyment and value of adjacent property owners.

My recommendation is that Council reinstates the previous requirement to have the proposed lot line extensions agreed to by the neighbors as part of the application process and not to agree to sell 66 foot shore road allowances which result in lot line projection which unreasonably negatively affect the use enjoyment and value of adjacent land owners.

Ambrose Moran

