

OFFER TO PURCHASE MUNICIPAL ROAD ALLOWANCE

Mayor and Members of Council
Town of LaSalle
5950 Malden Road, LaSalle, Ontario

I/We, _____, hereby offer to purchase a portion of the road allowance known as _____ abutting lots _____ according to Registered Plan _____

It is understood and agreed that if the price set by Council is not acceptable to me/us then I/We are in no way bound by the signing of this offer.

The intended use of the property being acquired is _____

It is also understood that the Town has not made a site visit of the street that is the subject of this application, and therefore is not aware of the existence of any possible encroachments or structures or other obstructions existing on the subject street. I/We therefore acknowledge that the Town is not making any representations with regard to the existence or non-existence of any encroachments or structures or obstructions on the subject street, and I/We hereby agree to accept responsibility for any and all costs that may be incurred with regard to the removal of such encroachments, structures or obstructions, if any, on the subject street once the transfer of the title to me/us of these lands has been completed.

DATED _____
at _____ A.M. P.M.

Signature

Address

Postal Code

Phone #

ARE YOU COVERED UNDER THE CAW LEGAL SERVICES PLAN?
YES _____ NO _____

PLEASE NOTE – If an appraisal is requested by the applicant or required by Council, the cost for preparing this appraisal will be assumed by the applicant, and prior to proceeding with ordering this appraisal, the applicant must deposit \$500.00 with the Town.

POLICY 2

ROADS OR HIGHWAYS

1. Offers to purchase will not be accepted for property contained within provincially or locally designated environmentally significant areas, specifically those portions of lands contained within Registered Plans 660, 664, 674, 779, 963, 1001 and 1349, or within the LaSalle Woods, the Reaume Prairie, the Ojibway Prairie and the Spring Garden area of Natural and Scientific Interest. In addition, the Town will require a prospective purchaser to file an Environment Impact Study with the Town prior to the Town considering the sale of any property owned by the Town in those areas identified as Candidate Natural Heritage Sites (CNHS), as set out in Discussion Paper No. 1 to the Official Plan of the Town of LaSalle.
2. Submissions to purchase roads or highways shall be circulated to the appropriate municipal departments for comments, who will determine whether there is any need for the Town to retain the road or highway or to require an easement on the subject road or highway.
3. Council retains the right to refuse any submission to purchase any road or highway or part thereof, regardless of whether the applicant has met all of the policies herein.
4. Unless the Town determines there are special circumstances to warrant otherwise, applicants will generally be granted three (3) months to exercise their option to purchase a closed road or highway.
5. In conveying a closed road or highway to the abutting owners, the Town will attempt to avoid conveying parts of the closed road or highway in such a way that would create land-locked portions of the closed road or highway.
6. The sale price for closed roads or highways shall be as follows:
 - i. Roads or highways located in Normandy Town Centre, or located in an area where the abutting lands are zoned, designated or used for commercial or industrial enterprises or multi-family residences, the road or highway shall be sold at a price to be determined by appraisal;
 - ii. Where the size of the road is not large enough to be a building lot on its own, roads or highways located in residential areas within the defined sanitary sewer district shall be sold at a sale price of \$1.50 per square foot for an unencumbered road or highway, and at a rate of \$1.00 per square foot for a road or highway encumbered with one or more easements;
 - iii. Where the size of the road is not large enough to be a building lot on its own, roads or highways located in residential areas outside of the defined sanitary sewer district shall be sold at a sale price of \$1.00 per square foot for an unencumbered road or highway, and at a rate of \$0.50 per square foot for a road or highway encumbered with one or more easements;
 - iv. In the case of a request to purchase a road or highway that has sufficient frontage to meet the area's zone requirements which could result in the creation of one or more building sites, the sale shall be based on a price to be determined by appraisal in accordance with the following terms:

- a) R.O.W. to be offered to abutting property owners for a three (3) month period.
 - b) R.O.W. to be disposed of at fair market value.
 - c) R.O.W. split between two (2) property owners, total market value to be collected.
 - d) IF only one (1) property owner expresses an interest, the interested party must purchase entirety of R.O.W. to ensure Town is not left with a remnant parcel.
 - e) IF interested party not willing or unable to purchase entire R.O.W. Town will list for sale to general public by submitted offer to Town with appraised value representing the reserved bid.
 - f) COUNCIL may in their sole discretion deviate from this policy if in Council's opinion the sale of an unopened road allowance to someone other than the abutting owner(s) would facilitate the orderly development of the area.
- v. In the case where a request has been made to Council to purchase part or all of a road or highway, and where the owner's lands could not develop (in accordance with the Town's Official Plan policies) without incorporating the road or highway therein, then the sale price of the said road or highway shall be determined by appraisal.

In the case where it can be demonstrated (e.g.: engineer's report) to the satisfaction of Council that there are circumstances unique to developing the property (e.g.: onsite or offsite servicing), these circumstances will be taken into account when reviewing the appraised value of the lands, or such other price for the sale of the said lands.

7. In the case where a request has been made to purchase all or part of a road or highway and where other lands are being dedicated to the Town for public purposes, no appraisal will be necessary. In the event the lands being dedicated to the Town are less than the total area of land that is being purchased, then the registered owner shall be required to compensate the Town. The terms with respect to the balance of compensation (whether it be cash, land, equipment, etc.) would be an item of negotiation between the parties.
8. (a) The purchaser shall be responsible for and all costs incurred by the Town attributable to the road or highway closing and sale, (including but not limited to legal, appraisal, surveying, plans, studies and report costs) and the purchaser shall pay these costs, including the purchase price, directly to the solicitor appointed by Council.
- (b) In the event an appraisal of the land is required by the Town, the purchaser shall pay a deposit to the Town for the costs of the appraisal before the appraisal is ordered by the Town, and the amount of the deposit required will be determined by the Town.
9. The solicitor appointed by Council shall be instructed to prepare all legal documentation on behalf of the Town for road or highway closings and sales.

January 2008