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**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**

BY-LAW No. 2011-12

**Being a By-law To Prescribe Parkland Dedication or Cash-in-lieu of
Parkland Dedication within the Municipality of Magnetawan**

WHEREAS Sections 42(1), 42(6) and 53(13) of the *Planning Act, R.S.O., 1990*, as amended, authorizes a Municipality to obtain parkland or cash-in-lieu of parkland, a condition of development or redevelopment of land;

AND WHEREAS the Council of the Corporation of the Municipality of Magnetawan deems it to be in the public interest to ensure that appropriate lands be conveyed or cash-in-lieu provided, for park or other recreational purposes;

AND WHEREAS the Council of the Municipality of Magnetawan has established policies for the conveyance of land;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. CONVEYANCE OF LAND FOR PARK PURPOSES

- 1.1 as a condition of development or redevelopment of lands for residential purposes, a maximum of five (5%) per cent of the land shall be conveyed to the Municipality for park or other public recreational purposes;
- 1.2 as a condition of development or redevelopment of lands for commercial or industrial purposes, a maximum of two (2%) per cent of the land shall be conveyed to the Municipality for park or other public recreational purposes.

2. PAYMENT OF TWO (2%) PER CENT OR FIVE (5%) PER CENT CASH-IN-LIEU INSTEAD OF LAND CONVEYANCE

To obtain the two (2%) per cent or five (5%) per cent cash-in-lieu, the Clerk shall;

- 2.1 forward a copy of the Registered/survey plan provided by the applicant, to the Municipal Property Assessment Corporation (MPAC);
- 2.2 MPAC shall determine the unimproved land assessment valuation for the new lot(s);
- 2.3 the assessment provided in part 2.2 shall be multiplied by 0.02 for commercial or industrial, or 0.05 for residential purposes, to obtain the cash-in-lieu dollar amount;
- 2.4 payment shall be remitted to the Municipality by means of cash, certified cheque, bank draft or money order.

3. DISPUTE OF ASSESSED AMOUNT

If the Municipal estimate of the amount of cash-in-lieu of parkland is disputed by the owner, the owner may retained a qualified real-estate appraiser, at the owners expense, to obtain a valuation and the amount of cash-in-lieu to be paid will be based on that valuation.

4. COMBINATION OF CONVEYANCE

Nothing herein shall prescribe or limit the Municipality's ability to require a combination of the conveyance of land and a combination of land and cash-in-lieu.

5. SOLE DISCRETION

The decision to take land for parkland purposes or cash-in-lieu for parkland or other recreational purposes, shall be at the sole discretion of the Council of the Municipality of Magnetawan.

6. SCOPE OF BY-LAW

The provisions of this By-law are applicable to all lands within the Corporate boundaries of the Municipality of Magnetawan.

7. REPEAL OF BY-LAWS

By-law No. 2002-19 and By-law No. 2009-32 shall hereby be repealed.

8. DATE OF PASSAGE

This By-law shall come into force on the day in which it is read a third and final time and passed in open Council.

READ A FIRST, SECOND AND THIRD TIME