

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2014 – 22

Being a By-law to stop up, close and sell part of the Original Shore Road Allowance being part of River Street, Registered Plan 319, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-20146.

(Heimbecker, Ralph)

LEGISLATION

WHEREAS pursuant to Section 27(1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, municipalities are given authority over highways within their jurisdiction;

AND WHEREAS the Original Shore Road Allowance which is the subject matter of this By-law is within the jurisdiction of this Municipality;

AND WHEREAS pursuant to the Municipality's Procedures for Public Notice By-law No. 2013-10, the Clerk of this Corporation did cause a Notice of the proposed By-law to be published in accordance with requirements of the said By-law.

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN AS FOLLOWS:

1. **Stop Up and Close** – This Council does hereby stop up and close to vehicular and pedestrian traffic the lands described in Schedule "A".
2. **Surplus Property** - The said lands described in Schedule "A" are declared to be surplus to the requirements of this Municipality.
3. **Authorization for Sale** – This Council does hereby authorize the sale of the said lands described in Schedule "A" at the consideration of \$9,795.16.
4. **Easements** – This Council does hereby authorize the transfer of such easements over the lands described in Schedule "A" attached hereto as may be required by utility providers.
5. **Sale of Land By-law** – Compliance with the Notice provisions of Public Notice By-law 2013-10, will be deemed to be in compliance with the Notice provisions of this Municipality's Sale of Land By-law 2007-33.
6. **Execution of Documents** –
 - a) **If Paper Registration**
The Mayor and the Clerk are hereby authorized to execute all documents for paper registration (including public utility easements, if any) in connection with the closing and subsequent transfer of title to the lands described in Schedule "A".

b) If Electronic Registration

The Clerk is hereby authorized for or on behalf of the Municipality to execute, for the Municipal Solicitor an "Acknowledgment and Direction" authorizing the Municipal Solicitor to complete the Electronic Registration for any required easements, and the subsequent transfer of title relating to the lands described in Schedule "A".

7. **Clerk's Affidavit** - There shall be attached to this By-law, as Schedule "B", an affidavit by the Clerk of this Corporation, setting out:

- a) the procedures taken for the giving of Notice pursuant to By-law 2013-10 and;
- b) the procedures taken for notice to Public Utilities and applicable Government Departments or Ministries.

READ A FIRST AND SECOND TIME THIS 23 DAY OF JULY 2014.

READ A THIRD TIME AND FINALLY PASSED THIS 23 DAY OF JULY 2014.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN



Sam Dunnett, Mayor

c/s



Roger Labelle, Clerk

SCHEDULE "A"

Part of the Original Shore Road Allowance being part of River Street, Registered Plan 319, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-20146.

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2014-22, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan this 23 day of July 2014.



Roger Labelle, Clerk c/s

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2014-22 FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN.

CLERK'S AFFIDAVIT - NOTICE

I, Roger Labelle, Clerk of the Municipality of Magnetawan, make oath and say as follows:


1. This Deponent
I am the Clerk of the Corporation of the Municipality of Magnetawan and as such have knowledge of the facts hereinafter deposed to.
2. Publication and Posting
Pursuant to By-law 2013-10, I did cause Notice of Councils intention to consider a By-law to stop up, close and sell that parcel of land described in Schedule "A" to be published as follows:
 - (a) Publication - to be published in the Almaguin News, a newspaper of local circulation once a week for three (3) consecutive weeks, namely June 5, 2014, June 12, 2014, and June 19, 2014 ;
 - (c) Public Posting - to be posted in a minimum of four (4) places in the general area of the shore road allowance to be closed, at least twenty-one (21) days before the meeting;
3. Grace Period
This By-law was passed by Council more than five (5) days after the last newspaper Publication Notice.
4. Copy of Notice
Attached to this my Affidavit as Exhibit "A" is a copy of the actual Notice as it appeared in the Almaguin News and as posted.
5. Additional Notification
Notice of the proposed road closing was sent to Hydro One Networks Inc., Bell Canada and Public Works Canada and they have advised that they do not have any interest in the subject lands.
6. Procedure
To the best of my knowledge the closing and selling procedures taken by this Municipality have been in accordance with the Municipality's Public Notice and Sale of Land By-laws.

7. Public

The proposed by-law came before Council at its regular meeting on the 13 day of August 2014 and at that time, no person made any claim that the effect of the By-law would be to deprive them of the right of motor vehicle access to or from their land, and that all persons who applied to be heard, were heard.

SWORN before me at the)
Municipality of Magnetawan)
this 23 day of July 2014.)


Roger Labelle, Clerk


A Commissioner for taking Affidavits, etc.

Name: ~~John Santarossa, Deputy-Clerk~~
~~Commissioner for taking Oaths,~~
Title: ~~Municipality of Magnetawan,~~
~~District of Parry Sound.~~

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