

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW 2014 – 07

Being a By-law to stop up, close and sell part of the Original Road Allowance being Parts 1, 2 and 6 on Plan 42R-20036, between Concessions “A” and “B” in Lot 89 and 90, Municipality of Magnetawan, District of Parry Sound.

(Langford Exchange)

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 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” for the nominal consideration of \$2.00, and an exchange of lands.
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.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED
THIS 22 DAY OF JANUARY, 2014.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN

 c/s
Sam Dunnett, Mayor


Roger Labelle, Clerk

SCHEDULE "A"

Part of the Original Road Allowance in Lot 89 and 90, Concession "A" and "B", and designated as
Parts 1, 2, and 6 Plan 42R-20036 in the Geographic Township of Chapman now in the
Municipality of Magnetawan, District of Parry Sound.

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2014- 07 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 four (4) consecutive weeks, namely December 12, 2013, December 19, 2013, December 26, 2013 and January 6, 2014;
 - (c) Public Posting - to be posted in a minimum of three (3) places in the general area of the road allowance to be closed, at least twenty-eight (28) 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. and Bell 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 taking 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 8 day of January 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 the 27th day)
of JANUARY, 2014.)



Roger Labelle, Clerk


A Commissioner for taking Affidavits, etc.

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

This is Exhibit "A" to the Affidavit of Roger Labelle, Clerk of The Corporation of The Municipality of Magnetawan.

Almaguin News

 The Corporation of
The Municipality of Magnetawan

PUBLIC NOTICE

RE: Being a By-law to step up, close and sell part of the Original Road Allowance being Parts 1, 2, and 6 on Plan 42R-20036, between Concessions "A" and "B" in Lot 89 and 90, Municipality of Magnetawan, District of Parry Sound.

(Langford Exchange)

TAKE NOTICE that the Council of the Corporation of the Municipality of Magnetawan proposes to enact a by-law to step up, close and sell the following lands:

Part of the Original Road Allowance in Lot 89 and 90, Concession "A" and "B", and designated as Parts 1, 2, and 6 Plan 42R-20036 in the Geographic Township of Chapman now in the Municipality of Magnetawan, District of Parry Sound.

AND TAKE FURTHER NOTICE THAT the proposed by-law will come before Council of the Municipality of Magnetawan at its regular meeting at the Magnetawan Community Centre at P.O. Box 70, 4363 Highway #530, Magnetawan, Ontario, P0A 1P0, on the 8 day of January, 2014 at the hour of 1:00 o'clock in the afternoon.

AND TAKE FURTHER NOTICE THAT at that time Council will hear anyone in person, or his/her counsel, solicitor or agent, who claims that his/her land will be prejudicially affected by the by-law, and who applies to be heard.


Copies of Plan 42R-20036 are available for inspection at the Municipal office.

DATED at the Municipality of Magnetawan this 12th day of December 2013.

Roger Labelle, Clerk
705-367-3347

This is Exhibit "A" mentioned and referred to in the Affidavit of Roger Labelle

SWORN before me this 27th day of
JANUARY, 2014


Commissioner for Taking Affidavits, etc.

Name: John Santarosa, Deputy-Clerk
Commissioner for Taking Oaths,
Municipality of Magnetawan,
District of Parry Sound.

Title: _____

Russell, Christie, LLP

Barristers & Solicitors

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W.D. (Rusty) Russell, Q.C., Counsel
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David M. Winnitoy, B.A. (Hons), LL.B.
Edward B. Veldboom, MSc. P. LL.B.
Michael F. Sirdewan, B.A. (Hons), LL.B.
Jennifer E. Biggar, B.A. (Hons), J.D.

January 16, 2014

Please reply to:
W.D. (Rusty) Russell, Q.C., Ext. 241
Email: wdrussell@russellchristie.com

Via Email

The Corporation of the Municipality
of Magnetawan
4304 Hwy. 520
P.O. Box 70
Magnetawan, Ontario
P0A 1P0

Attention: Roger Labelle, Clerk/Administrator

Roger,

**Re: Langford Estate - Exchange of Lands
Road Closing Parts 1, 2, and 6, Plan 42R-20036
Road to the Municipality Parts 4, and 8, Plan 42R-20036
Our File No.: 63-283-201**

Thank you for sending down the Public Notice on the above file. We have inserted that into Exhibit "A" and xeroxed this for you.

Enclosed is an extra copy of the Road Closing By-law with Exhibit "A" attached.

After passage and execution, we look forward to receiving the documents for registration.

Yours truly,



W.D. Russell, Q.C.

WDR/cw
Encl.

c.c. Douglas F. Walker
Applicant's Solicitor

AGENDA ITEM # 7.6