

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN**

**BY-LAW NO. 2019 - 06**

**Being a By-law to stop up, close and sell part of the Original Road Allowance between Concessions A and B in front of Lot 97, being Part 1, Plan 42R-21102, Municipality of Magnetawan, District of Parry Sound.**

**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. 2016-12, 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 **\$1,778.20**.
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 2016-12, will be deemed to be in compliance with the Notice provisions of this Municipality's Sale of Land By-law 2006-11.
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 2016-12 and;
- b) the procedures taken for notice to Public Utilities and applicable Government Departments or Ministries.

READ A FIRST TIME THIS 9<sup>th</sup> DAY OF January , 2019.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 9<sup>th</sup> DAY OF January , 2019.

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**

Deputy   
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Administrator

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SCHEDULE "A"


Part of the Original Road Allowance between Concessions A and B in front of Lot 97, being Part 1, Plan 42R-21102, Municipality of Magnetawan, District of Parry Sound

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BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2019-06, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 9<sup>th</sup> day of January, 2019

  
\_\_\_\_\_  
Andrew Farnsworth, Clerk c/s

SCHEDULE "B"


THIS IS SCHEDULE "B" TO BY-LAW 2019-06 FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN.

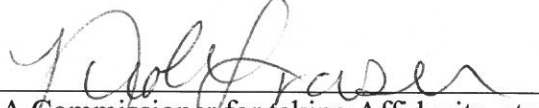
CLERK'S AFFIDAVIT - NOTICE

I, Andrew Farnsworth, 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 2016-12, I did cause Notice of Council's 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:  
  
Public Posting - posted on the Municipal website and at the Municipal Office at least seven (7) days prior to consideration of the matter by Council;
- 3. Grace Period  
This By-law was passed by Council more than seven (7) days after the posting.
- 4. Copy of Notice  
Attached to this my Affidavit as Exhibit "A" is a copy of the actual Notice as it was posted.
- 5. Additional Notification  
Notice of the proposed road closing was sent to Hydro One Networks Inc., Bell Canada, Public Works Canada and Lakeland Power Distribution Ltd. 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 9<sup>th</sup> day of January, 2019 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 9<sup>th</sup> day  
of January, 2019.

)  
)  
)  
)   
Andrew Farnsworth, Clerk


  
A Commissioner for taking Affidavits, etc.

Name: Nicole Fraser

Title: Deputy Clerk

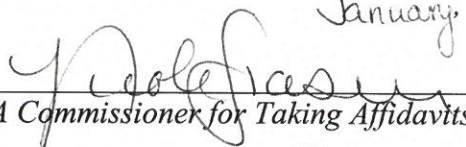
This is Exhibit "A" to the Affidavit of Andrew Farnsworth, Clerk of The Corporation of the Municipality of Magnetawan.

**Posting**

<p><i>Corporation of the</i> <b>Municipality</b> <i>of</i> <b>Magnetawan</b></p> <p><small>Incorporated 2000 District of Parry Sound</small></p>	<p><small>Tel: (705) 387-3947 Fax: (705) 387-4875 www.magnetawan.com P.O. Box 70, Magnetawan, Ontario POA 1P0</small></p>
<p><b>PUBLIC NOTICE</b></p>	
<p><b>Re:</b> Closing of part of the original road allowance between Concessions A and B in front of Lot 97, being Part 1, Plan 42R-21102, Municipality of Magnetawan, District of Parry Sound.</p>	
<p>(Marshall-Young)</p>	
<p><b>TAKE NOTICE</b> that the Council of the Corporation of the Municipality of Magnetawan proposes to enact a by-law to stop up, close and sell part of the following road allowance:</p>	
<p>Part of the original road allowance between Concessions A and B in front of Lot 97, being Part 1, Plan 42R-21102, Municipality of Magnetawan, District of Parry Sound.</p>	
<p><b>AND TAKE FURTHER NOTICE THAT</b> the proposed by-law will come before Council of the Municipality of Magnetawan at its regular meeting at the Township office at 4304 Highway #520, Magnetawan, Ontario on <u>Wednesday, the 9<sup>th</sup> day of January, 2019 at the hour of One o'clock in the afternoon</u>, and at that time Council will hear anyone in person, or by 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.</p>	
<p>Plan 42R-21102 is available for inspection at the Township offices.</p>	
<p><b>DATED</b> at the Municipality of Magnetawan, this the 5<sup>th</sup> day of December, 2018.</p>	
<p>Andrew Farnsworth, Clerk-Administrator Municipality of Magnetawan 4304 Highway #520 Magnetawan, Ontario POA 1P0</p>	 <p><b>Municipality of Magnetawan</b></p>

*This is Exhibit "A" mentioned and referred to in the Affidavit of Andrew Farnsworth*

SWORN before me this 9<sup>th</sup> day of  
January, 2019

  
A Commissioner for Taking Affidavits, etc.

Name: Nicole Fraser

Title: Deputy Clerk