

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2019 - 08

Being a By-law to stop up, close and sell part of the Original Shore Road Allowance being Part of Bank Street, Registered Plan 319, being Part 2, Plan 42R-21035, 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 **\$1,959.03**.
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 9th DAY OF *January*, 2019.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF *January*, 2019.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**

Deputy 

Mayor



Clerk-Administrator


SCHEDULE "A"

Part of the Original Shore Road Allowance being Part of Bank Street, Registered Plan 319, being Part 2 of Plan 42R-21035, Municipality of Magnetawan, District of Parry Sound,.

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2019-08, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 9th day of January, 2019



Andrew Farnsworth, Clerk c/s

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2019-08 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 9th 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 9th day
of January, 2019.

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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

Corporation of the
Municipality
of
Magnetawan Incorporated 2000 District of Parry Sound

Tel: (705) 387-3947
Fax: (705) 387-4875
www.magnetawan.com
P.O. Box 70, Magnetawan, Ontario P0A 1P0

PUBLIC NOTICE

Re: Closing of part of the original shore road allowance being Part of Bank Street, Registered Plan 319, being Part 2, Plan 42R-21035, Municipality of Magnetawan, District of Parry Sound.

(Kennedy)

TAKE NOTICE 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 shore road allowance:


Part of the original shore road allowance being Part of Bank Street, Registered Plan 319, being Part 2, Plan 42R-21035, 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 Township office at 4304 Highway #520, Magnetawan, Ontario on Wednesday, the 9th day of January, 2019 at the hour of One o'clock in the afternoon, 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.

Plan 42R-21035 is available for inspection at the Township offices.

DATED at the Municipality of Magnetawan, this the 5th day of December, 2018.

Andrew Farnsworth, Clerk-Administrator
Municipality of Magnetawan
4304 Highway #520
Magnetawan, Ontario
P0A 1P0



Municipality of Magnetawan

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

SWORN before me this 9th day of January, 2019

Nicole Fraser
A Commissioner for Taking Affidavits, etc.

Name: Nicole Fraser

Title: Deputy Clerk