

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2017-33

Being a By-law to stop up, close and sell part of the Original Road Allowance between Concessions 4 and 5, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-20718.

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 Notice of the proposed By-law to be provided in accordance with requirements of the said By-law.


NOW THEREFORE 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 \$29,084.08.
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, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 28th day of June, 2017

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor

Clerk-Administrator


SCHEDULE "A"

Part of the Original Road Allowance between Concessions 4 and 5, (Croft), Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-20718.

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law ~~2017-33~~, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 28th day of June, 2017



c/s
Andrew Farnsworth, Clerk

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2017-33 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 provided as follows:

- (a) Posting at the Municipal Office on June 19, 2017
- (b) Posting on the Municipal Website on June 19, 2017; and
- (c) Publication in the Almaguin News on June 22, 2017.

3. Grace Period

This By-law was passed by Council more than five (5) days after the 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 28th day of January, 2017 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 17th day
of August, 2017.

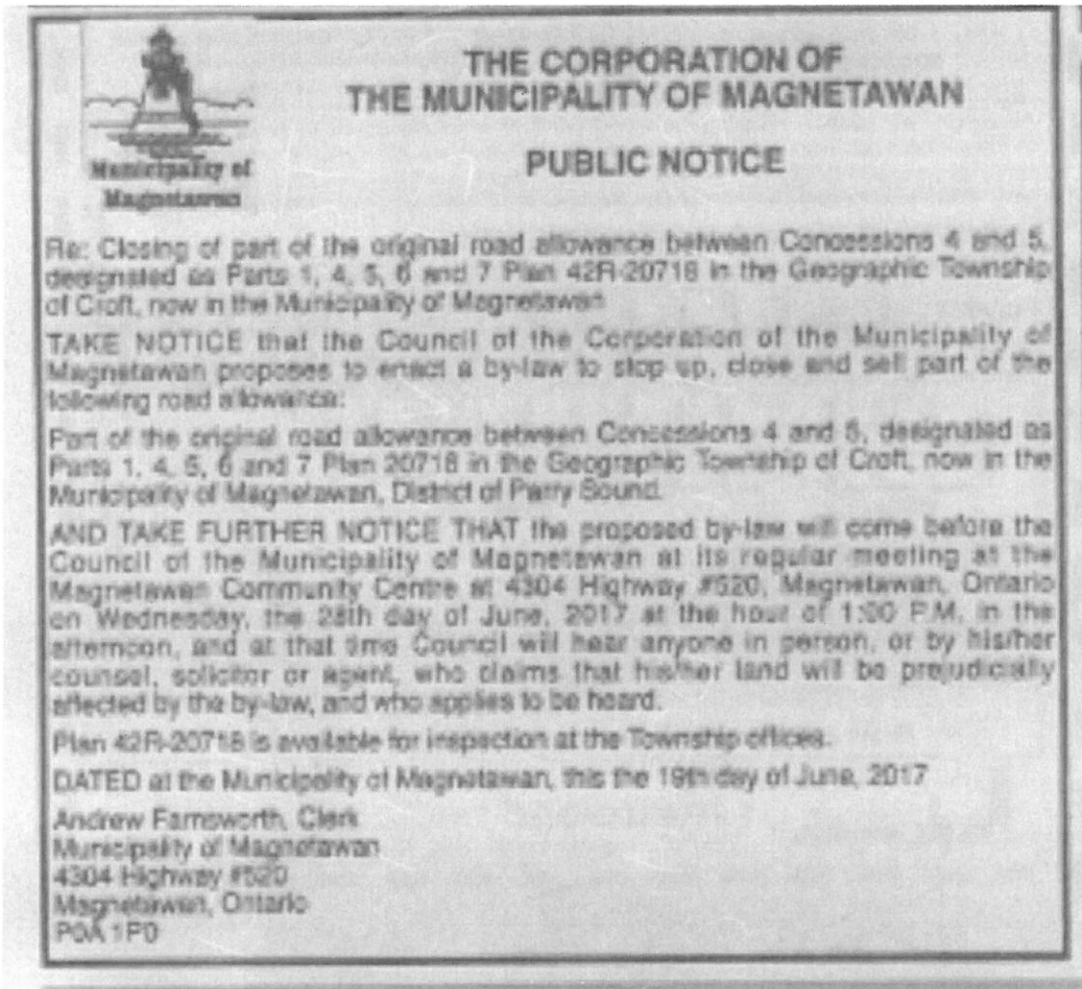

Andrew Farnsworth, Clerk


A Commissioner for taking Affidavits, etc.

Name: EDWARD B. VELDBOOM
RUSSELL, CHRISTIE, LLP
Title: Box 158, 505 Memorial Avenue
Orillia, Ontario L3V 6J3
(705) 325-1326 Fax (705) 327-1811
eveldboom@russellchristie.com

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

Almaguin News



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

SWORN before me this 17 day of
August, 2017

A Commissioner for Taking Affidavits, etc.

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