

**THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN**

BY-LAW NO. 2013 –14

Being a By-law to stop up, close and sell part of the Original Shore Road Allowance in front of Lot 2, Concession 14 (Spence), Municipality of Magnetawan, District of Parry Sound, and being in front of 90 Bell's Bay Road. (Green/Freedman)

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 \$6,552.42.
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 July 10, 2013.


Mayor


Clerk

SCHEDULE "A"

Part of the Original Shore Road Allowance in front of Lot 2, Concession 14, Municipality of Magnetawan, District of Parry Sound, and being in front of 90 Bell's Bay Road.

SCHEDULE "B"

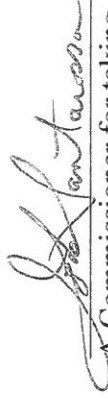
THIS IS SCHEDULE "B" TO BY-LAW 2013-14 FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN.

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 2007-32, 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:
Publication - to be published in the Almaguin News, a newspaper of local circulation once a week for four (4) consecutive weeks, namely May 30, 2013, June 6, 2013, June 13, 2013 and June 20, 2013;
Public Posting - to be posted in a minimum of three (3) places in the general area of the shore 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., 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 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 July 10, 2013 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
July 10, 2013



A Commissioner for taking Affidavits, etc.



Roger Labelle, Clerk

Name: JOHN SANTAROSSA

Title: DEPUTY CLERK

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: Closing and sale of part of the Original Shore Road Allowance in front of Lot 2, Concession 14 (in front of 90 Bell's Bay Road), Municipality of Magnetawan, District of Parry Sound

(Green/Freedman)

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 the following lands.

Part of the Original Shore Road Allowance in front of Lot 2, Concession 14, Municipality of Magnetawan, District of Parry Sound, being Part 1 on Plan 42R-19830.

AND TAKE FURTHER NOTICE THAT the proposed by-law will come before the Council of the Municipality of Magnetawan at its regular meeting at the Community Centre at 4303 Highway #520, Magnetawan on Wednesday, June 26, 2013 at 7:00 p.m.

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-19830 are available for inspection at the Municipal office.

DATED at the Municipality of Magnetawan May 30, 2013:

Roger Labelle, Clerk
clerk@magnetawan.com
705-387-3947

BUY IT & SELL IT FASTER IN THE CLASSIFIEDS

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

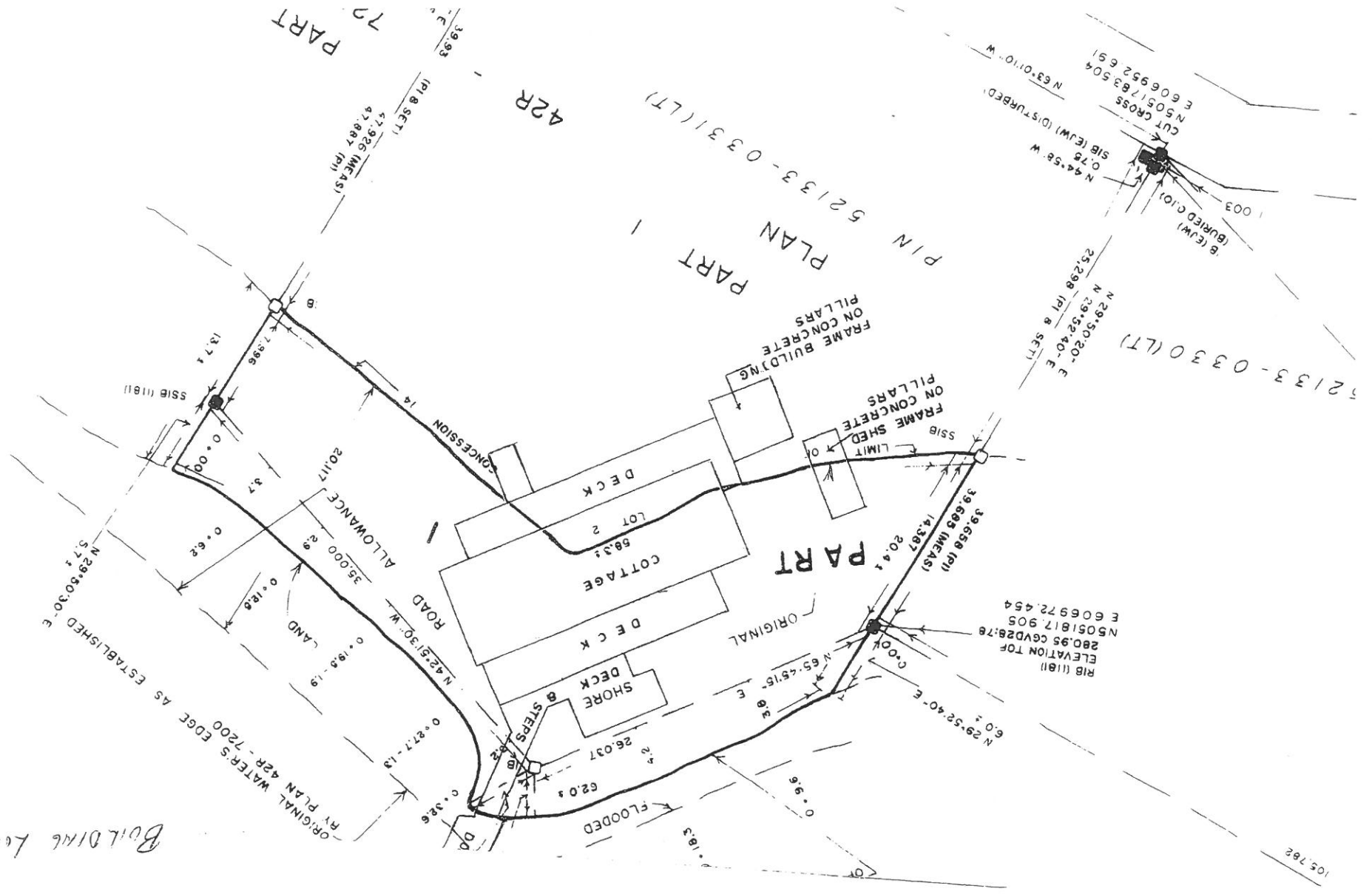
SWORN before me this 10 day of July 2013

A Commissioner for Taking Affidavits, etc.

Name: JOHN SANTAROSSA

Title: DEPUTY CLERK

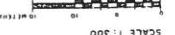
Building Location



PLAN 42R

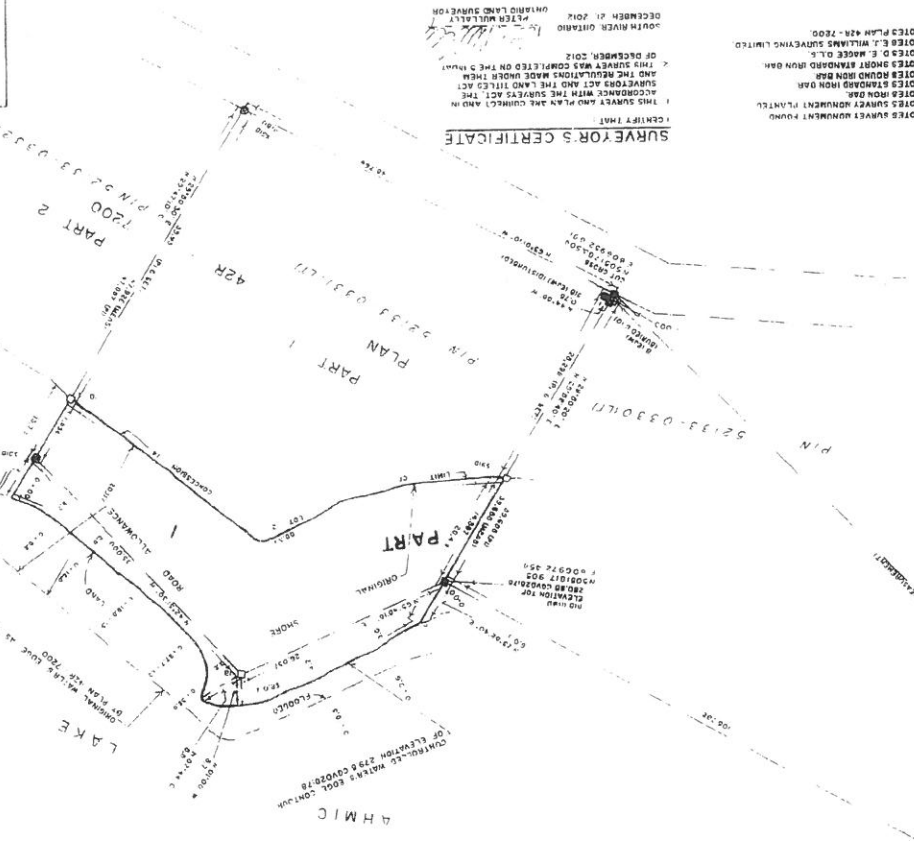
RECEIVED AND DEPOSITED	DATE	REPRESENTATIVE FOR THE LAND SURVEYOR
	2014	Peter Williams
ACQUINING THIS PLAN TO BE	DATE	REPRESENTATIVE FOR THE LAND SURVEYOR
LAND TITLES ACT	2014	Peter Williams
RECEIVED	DATE	REPRESENTATIVE FOR THE LAND SURVEYOR
	2014	Peter Williams

PLAN OF SURVEY OF PART OF THE ORIGINAL SHORE ROAD ALLOWANCE IN FRONT OF LOT 2, CONCESSION 14, GEORGIC TOWNSHIP OF SPENCE NOW IN THE MUNICIPALITY OF MAGNETAWAN DISTRICT OF PARRY SOUND PER MUTUALLY OILS SCALE 1:300



METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

EJ WILLIAMS
SURVEYING LIMITED
TERRITORIAL SURVEYORS - PLANNERS
BURN 5 FALLS
MUNTINGVILLE
SOUTH RIVER
PHONE: 705-789-4171



SURVEYOR'S CERTIFICATE

I, THE SURVEYOR, HAVE EXAMINED THE INSTRUMENTS AND THE MEASUREMENTS MADE UNDER MY SUPERVISION AND THE INSTRUMENTS AND THE MEASUREMENTS MADE UNDER MY SUPERVISION AND THE INSTRUMENTS AND THE MEASUREMENTS MADE UNDER MY SUPERVISION AND THE INSTRUMENTS AND THE MEASUREMENTS MADE UNDER MY SUPERVISION.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES STATION MONUMENT
- DENOTES SHORT STATION MONUMENT
- DENOTES BOUNDARY MONUMENT
- DENOTES SHORT STATION MONUMENT
- DENOTES STATION MONUMENT
- DENOTES SURVEY MONUMENT FOUND

LEGEND

POINT TO	MOUNTING	EASTING
1	001010331	000323273
2	001010331	000323273

COORDINATES SHOWN IN THESE PLANS ARE USED TO ESTABLISH THE POSITION OF MONUMENTS SHOWN ON THIS PLAN.

NOTE

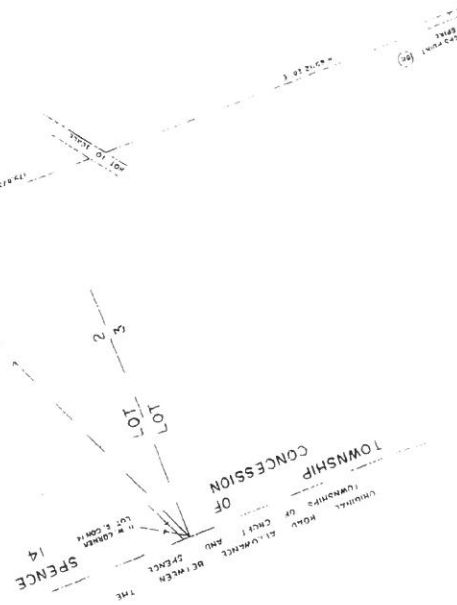
THE LIMIT OF AMHIC LAKE AS SHOWN HEREON IS THE BEST AVAILABLE EVIDENCE OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF SPENCE.

AMHIC LAKE IS DEFINITELY REGULATED BY A DAM IN LOT 13, CONCESSION 14, TOWNSHIP OF SPENCE.

THE CONTROLLED WATER LEVEL ESTABLISHED AT ELEVATION 279.00 COVERS 70.45 SHOWN ON PLAN 42R - 2000.

BEARINGS ARE IN METERS, DENIVED FROM SIMULTANEOUS OBSERVATIONS FROM POINT (1) TO POINT (2) HAVING A BEARING OF N 69° 13' 23" W IN ZONE IT (1) FOR BEARING COMPUTATION'S A ROTATION OF 0.010 DEGREES. CORRECTION WAS APPLIED TO BEARINGS ON DEPOSITED PLAN 42R - 2000.

DISTANCES ARE GIVEN AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



MUNICIPALITY OF MAGNETAWAN

GREEN/FREEDMAN
(Part 1 Plan 42R-19830)

PURCHASE PRICE
AREA CALCULATION

Basis: \$0.70 sq. ft.

Sale Price of Land for Part 1, Plan 42R-19830

Part 1

Area of Road Allowance 0.087 Ha

1 Ha = 2.47 acres

Therefore 0.087 Ha = 0.087 Ha x 2.47 = 0.21489 acres

1 acre = 43,560 sq. ft.

Therefore 0.21489 acres x 43,560 = 9,360.60 sq. ft

Sale Price - 0.70 per sq. ft

9,360.60 sq. ft. x 0.70 = \$6,552.42