

OCT 25 2013

# THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

## BY-LAW 2013 –21

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, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-16852.

(Heimbecker)

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### **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 \$8,263.33.
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.

READ A FIRST AND SECOND TIME THIS 25TH DAY OF SEPTEMBER 2013.

READ A THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF SEPTEMBER, 2013.

THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN

  
Sam Dunnett, Mayor

  
Roger Labelle, Clerk

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SCHEDULE "A"


Part of the Original Shore Road Allowance being part of Bank Street, Registered Plan 319, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-16852.

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BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2013-21, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 25<sup>th</sup> day of Sept., 2013

  
Roger Labelle, Clerk

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2013-21 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:

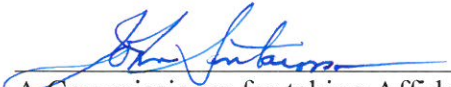
1. This Deponent  
I am the Clerk of the Corporation of the Municipality of Magnetawan and as such have knowledge of the facts hereinafter deposed to.
2. Publication and Posting  
Pursuant to By-law 2013-10, I did cause Notice of Councils intention to consider a By-law to stop up, close and sell that 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 three (3) consecutive weeks, namely August 15, 2013, August 22, 2013, and August 29, 2013;
  - (c) Public Posting - to be posted in a minimum of four (4) places in the general area of the shore road allowance to be closed, at least twenty-one (21) 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 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 25th day of September, 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 )  
this the 25<sup>th</sup> day )  
of September, 2013. )


  
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:** Closing and sale of part of the Original Shore Road Allowance being part of Bank Street, Registered Plan 319, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-16852  
(Heimbecker)

**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 being part of Bank Street, Registered Plan 319, Municipality of Magnetawan, District of Parry Sound, being Part 1 of Plan 42R-16852.

**AND TAKE FURTHER NOTICE THAT** the proposed by-law will come before Council of the Municipality of Magnetawan at its regular meeting at the Community Centre on 4303 Highway # 520, Magnetawan, Ontario, on the 11th day of September 2013 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.

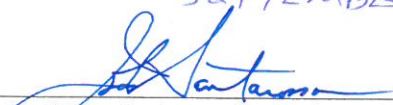
Copies of Plan 42R-16852 are available for inspection at the Municipal office.

**DATED** at the Municipality of Magnetawan this 8th day of August 2013.

Roger Labelle, Clerk  
P.O. Box 70  
4303 Highway #520  
Magnetawan, Ontario  
POA 1P0

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

SWORN before me this 25<sup>th</sup> day of  
SEPTEMBER, 2013

  
A Commissioner for Taking Affidavits, etc.

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

Title: \_\_\_\_\_