

**THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN**

BY-LAW 2023 – 25

Being a By-law to stop up, close and sell Part Road Allowance between
Concessions 12 & 13, Township of Chapman being Parts 1 & 2, 42R22166,
District of Parry Sound

(Main/Hutcheson)

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 Allowances which are the subject matter of this By-law is within the jurisdiction of the Municipality of Magnetawan;

AND WHEREAS Schmeler Road deviated from the Original Road Allowance between Concession 12 & 13, Township of Chapman;

AND WHEREAS Miller Road deviated from the Original Road Allowance between Lots 20 and 21, Township of Chapman;

AND WHEREAS the owners of Lot 18 & 19, Concession 12, Township of Chapman will convey lands occupied by Schmeler Road and Miller Road to the Municipality of Magnetawan;

AND WHEREAS the Municipality will transfer portions of the road allowance between Concessions 12 and 13 to the foregoing owners;

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 exchange of the said lands described in Schedule "A" for other lands to be conveyed to the Municipality (being Parts 6, 8 & 9, 42R22166).
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. Notice of the proposed road closings were sent to Hydro One Networks Inc. and Bell Canada. Both have responded that they do not have any easement requirements.
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 AND SECOND TIME THIS 21st DAY OF JUNE, 2023

READ A THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2023.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN



Sam Dunnett, Mayor



Kerstin Vroom, CAO/Clerk

SCHEDULE "A"

Part Road Allowance between Concession 12 & 13, Township of Chapman being Parts 1 & 2, 42R22166, District of Parry Sound

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2023-25, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 21st day of June, 2023


Kerstin Vroom, CAO/Clerk

Parry Sound
District of Parry Sound
Municipality of Magnetawan
Committee for Parry Sound
Deputy Clerk
Lynn Strand

SCHEDULE "B"

Part Road Allowance between Concession 12 & 13, Township of Chapman being Parts 1 & 2, 42R22166, District of Parry Sound

CLERK'S AFFIDAVIT - NOTICE

I, Kerstin Vroom, CAO/Clerk, of the Municipality of Magnetawan, make oath and say as follows:

1. This Deponent
I am the CAO/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., and Bell 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 21st day of June, 2023 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 21st day
of June, 2023.

)
)
) Kerstin Vroom
)
Kerstin Vroom, CAO/Clerk

Laura Brandt
A Commissioner for taking Affidavits, etc.

Name: Laura Brandt

Title: Deputy Clerk

Laura Brandt
, Deputy Clerk
Commissioner for taking oaths
Municipality of Magnetawan
District of Parry Sound

This is Exhibit "A" to the Affidavit of Kerstin Vroom, CAO/Clerk of The Corporation of the Municipality of Magnetawan.

Posting
PUBLIC NOTICE

Re: Closing of Part Road Allowance between Concession 12 & 13, Township of Chapman being Parts 1 & 2, 42R22166, District of Parry Sound.

(Alan Hutcherson)

TAKE NOTICE that the Council of the Corporation of the Municipality of Magnetawan proposes to enact a by-law to stop up, close and convey part of the following road allowances:

Part Road Allowance between Concession 12 & 13, Township of Chapman being Parts 1 & 2, 42R22166, 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 Magnetawan Community Centre at 4504 Highway 520, Magnetawan, Ontario on Wednesday, the 21st day of June, 2023 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 42R22166 is available for inspection at the Municipal office or are available for inspection by emailing the Deputy Clerk at agourlay@magnetawan.com or Phone: 705-387-3947.

DATED at the Municipality of Magnetawan, this the 14th day of June, 2023.

Kerstin Vroom, CAO Clerk
Municipality of Magnetawan
4504 Highway #520
Magnetawan, Ontario
POA 1P0

This is Exhibit "A" mentioned and referred to in the Affidavit of Kerstin Vroom

Laura Brandt
Deputy Clerk
Commissioner for taking oaths
Municipality of Magnetawan
District of Parry Sound

SWORN before me this 21st day of June, 2023

Laura Brandt
A Commissioner for Taking Affidavits, etc.

Name: Laura Brandt

Title: Deputy Clerk