

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW 2022 – 26

Being a By-law to stop up, close and sell Part of the Original Road Allowance between Townships of Spence & Croft being Parts 3 & 4, 42R21851 Municipality of Magnetawan, District of Parry Sound.

(Heran)

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 exchange of the said lands described in Schedule “A” for other lands to be conveyed to the Municipality (being Part 1, 42R-21851).
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.

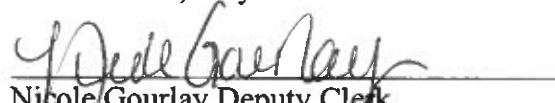
READ A FIRST AND SECOND TIME THIS 15th DAY OF June, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF June, 2022.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN



Sam Dunnett, Mayor



Nicole Gourlay Deputy Clerk


SCHEDULE "A"

Part of the Original Road Allowance between Townships of Spence & Croft being Parts 3 & 4,
42R21851 Municipality of Magnetawan, District of Parry Sound.

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law *2022-26*, and that such By-law is in full force and
effect.

Dated at the Municipality of Magnetawan, this the 15th day of June, 2022



Nicole Gourlay Deputy Clerk c/s

District of Parry Sound
Municipality of Magnetawan
Nicole Gourlay Deputy Clerk
June 15, 2022

SCHEDULE "B"

Part of the Original Road Allowance between Townships of Spence & Croft being Parts 3 & 4, 42R21851 Municipality of Magnetawan, 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., 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 _____ day of _____, 2022 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 15th day)
of June, 2022.)

Laura Brandt

Nicole Gourlay
Nicole Gourlay Deputy Clerk

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

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

PUBLIC NOTICE

Re: Closing of Part of the Original Road Allowance Between Townships of Spence & Croft being Parts 3 & 4, Plan 42R-21851, Municipality of Magnetawan, District of Parry Sound.

(Heran)

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 road allowances:

Part of the Original Road Allowance between Townships of Spence & Croft being Parts 3 & 4, Plan 42R-21851, 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 Magnetawan Community Centre at 4304 Highway 520, Magnetawan, Ontario on Wednesday, the 15th day of June, 2022 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-21851 is available for inspection at the Municipal office or are available for inspection by emailing the Deputy Clerk at ngourlay@magnetawan.com or Phone: 705-387-3947.

DATED at the Municipality of Magnetawan, this the 7th day of June, 2022.

Nicole Gourlay – Deputy Clerk Planning and Development
Municipality of Magnetawan
4304 Highway #520
Magnetawan, Ontario
POA 1P0

This is Exhibit "A" mentioned and referred to in the Affidavit of Nicole Gourlay

*SWORN before me this 15th day of
June, 2022*


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

Koadswap.
Spence Croft boundary

LRO # 42 Transfer

Received as GB157007 on 2022 08 25 at 09:23

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 3

Properties

PIN	52132 - 0352 LT	<i>Interest/Estate</i>	Fee Simple	<input checked="" type="checkbox"/>	Split
Description	PT RDAL BTN TWP OF CROFT AND TWP OF SPENCE BEING PT 3, 42R21851 (CLOSED BY BY-LAW 2022-26 AS IN GB155078); SPENCE; MUNICIPALITY OF MAGNETAWAN				
Address	MAGNETAWAN				
PIN	52086 - 0397 LT	<i>Interest/Estate</i>	Fee Simple	<input checked="" type="checkbox"/>	Split
Description	PT RDAL BTN TWP OF CROFT AND TWP OF SPENCE BEING PT 4, 42R21851 (CLOSED BY BY-LAW 2022-26 AS IN GB155078); CROFT; MUNICIPALITY OF MAGNETAWAN				
Address	MAGNETAWAN				

Consideration

Consideration \$0.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
Address for Service 4304 Hwy 520, P.O. Box 70
Magnetawan, ON P0A 1P0

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Sam Dunnett, Mayor & Kerstin Vroom, CAO/Clerk.

Transferee(s)	<i>Capacity</i>	<i>Share</i>
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Name 1862110 ONTARIO LTD.
Address for Service c/o 39 Owen Street
BARRIE

Statements

The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Signed By

Edward Brian Veldboom	505 Memorial Av., box 158 Orillia L3V 6J3	acting for Transferor(s)	Signed	2022 08 24
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Tel 705-325-1326
Fax 705-327-1811

I have the authority to sign and register the document on behalf of the Transferor(s).

Douglas John Hill	39 Owen Street Barrie L4M 3G9	acting for Transferee(s)	Signed	2022 08 16
-------------------	-------------------------------------	-----------------------------	--------	------------

Tel 705-726-3712
Fax 705-726-3895

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

HMH LAW OFFICES	39 Owen Street Barrie L4M 3G9	2022 08 25
-----------------	-------------------------------------	------------

Tel 705-726-3712
Fax 705-726-3895

Fees/Taxes/Payment

Statutory Registration Fee	\$66.30
Provincial Land Transfer Tax	\$0.00
Total Paid	\$66.30

LRO # 42 Transfer

Received as GB157007 on 2022 08 25 at 09:23

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 2 of 3

File Number

Transferor Client File Number : 63-283-384

Transferee Client File Number : 22-388

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 52132 - 0352 PT RDAL BTN TWP OF CROFT AND TWP OF SPENCE BEING PT 3, 42R21851 (CLOSED BY BY-LAW 2022-26 AS IN GB155078); SPENCE; MUNICIPALITY OF MAGNETAWAN

52086 - 0397 PT RDAL BTN TWP OF CROFT AND TWP OF SPENCE BEING PT 4, 42R21851 (CLOSED BY BY-LAW 2022-26 AS IN GB155078); CROFT; MUNICIPALITY OF MAGNETAWAN

BY: THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
 TO: 1862110 ONTARIO LTD.

1. MILLY HERAN

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) (..) above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for 1862110 ONTARIO LTD. described in paragraph(s) (C) above.
- (f) A transferee described in paragraph (..) and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph (..) and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$2.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$2.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$2.00

4.

Explanation for nominal considerations:

s) other: LAND EXCHANGE WITH A MUNICIPALITY IN EXCHANGE FOR PART 1, 42R-21851

5. The land is not subject to an encumbrance**6. Other remarks and explanations, if necessary.**

1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "Greater Golden Horseshoe Region", "specified region", "spouse" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act and O. Reg 182/17. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
3. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer
 LRO 42 Registration No. GB157007 Date: 2022/08/25

B. Property(s):
 PIN 52132 - 0352 Address MAGNETAWAN Assessment -
 Roll No
 PIN 52086 - 0397 Address MAGNETAWAN Assessment -
 Roll No

C. Address for Service: c/o 39 Owen Street
 BARRIE

D. (i) Last Conveyance(s): PIN 52132 - 0352 Registration No.
 PIN 52086 - 0397 Registration No.

(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: Douglas John Hill
 39 Owen Street
 Barrie L4M 3G9

Spence Crott
Boundary Rd.

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 2

Properties

PIN 52132 - 0242 LT **Interest/Estate** Fee Simple Split
Description PT LT 18 CON 14 SPENCE BEING PT 1, 42R21851, MAGNETAWAN
Address BOUNDARY ROAD
MAGNETAWAN

Consideration

Consideration \$2.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name 1862110 ONTARIO LTD.
Address for Service c/o 39 Owen Street
Barrie

A person or persons with authority to bind the corporation has/have consented to the registration of this document.
This document is not authorized under Power of Attorney by this party.

Transferee(s)**Capacity****Share**

Name THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN
Address for Service 4304 Hwy 520, P.O. Box 520
Magnetawan, ON P0A 1P0

Statements

The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Signed By

Douglas John Hill 39 Owen Street acting for Signed 2022 08 16
Barrie Transferor(s)
L4M 3G9

Tel 705-726-3712
Fax 705-726-3895

I have the authority to sign and register the document on behalf of the Transferor(s).

Edward Brian Veldboom 505 Memorial Av., box 158 acting for Signed 2022 08 24
Orillia Transferee(s)
L3V 6J3

Tel 705-325-1326
Fax 705-327-1811

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

RUSSELL, CHRISTIE, LLP 505 Memorial Av., box 158 2022 08 24
Orillia
L3V 6J3

Tel 705-325-1326
Fax 705-327-1811

Fees/Taxes/Payment

Statutory Registration Fee \$66.30
Provincial Land Transfer Tax \$0.00
Total Paid \$66.30

File Number

Transferee Client File Number : 63-283-384

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 52132 - 0242 PT LT 18 CON 14 SPENCE BEING PT 1, 42R21851, MAGNETAWAN

BY: 1862110 ONTARIO LTD.

TO: THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

1. SAM DUNNETT, MAYOR & KERSTIN VROOM, CAO/CLERK

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN described in paragraph(s) (C) above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$2.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$2.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$2.00

4.

Explanation for nominal considerations:

g) Transfer to a municipality pursuant to subdivision or development agreement, condominium approval or other municipal purposes: Transfer to Municipality in exchange for Parts 3 & 4, 42R-21851.

5. The land is not subject to an encumbrance**6. Other remarks and explanations, if necessary.**

- The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
- The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "Greater Golden Horseshoe Region", "specified region", "spouse" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act and O. Reg 182/17. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
- (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
- The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
- The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer
LRO 42 Registration No. GB156983 Date: 2022/08/24

B. Property(s): PIN 52132 - 0242 Address BOUNDARY ROAD Assessment -
MAGNETAWAN Roll No

C. Address for Service: 4304 Hwy 520, P.O. Box 520
Magnetawan, ON P0A 1P0

D. (i) Last Conveyance(s): PIN 52132 - 0242 Registration No. GB55226
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: Edward Brian Veldboom
505 Memorial Av., box 158
Orillia L3V 6J3