

**THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN**

BY-LAW 2022 – 38

Being a By-law to stop up, close and sell Part Road Allowance between
Townships of Ryerson & Chapman, Township of Chapman being Parts 2 &
3, 42R21856, District of Parry Sound

(Bailey)

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 the Township of Ryerson as it is a boundary road allowance;

AND WHEREAS South Horn Lake deviated from the Original Road Allowance between the Townships of Ryerson and Chapman;

AND WHEREAS the owner of Broken Lot 2, Concession 1, Township of Chapman will convey lands occupied by South Horn Lake Road will convey such lands to the Municipality of Magnetawan and is entitled to a conveyance of the Original Road Allowance pursuant to section 66 of the Municipal Act, 2001;

AND WHEREAS the Municipality and the Township have joint jurisdiction over the boundary road allowance;

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, 42R21856).
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 27th DAY OF JULY, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 27th DAY OF JULY, 2022.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN


_____ c/s

Sam Dunnett, Mayor



Kerstin Vroom, CAO/Clerk

SCHEDULE "A"

Part Road Allowance between Townships of Ryerson & Chapman, Township of Chapman
being Parts 2 & 3, 42R21856, District of Parry Sound

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law *2022-38*, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 27th day of July, 2022

 c/s
Kerstin Vroom, CAO/Clerk

SCHEDULE "B"

Part Road Allowance between Townships of Ryerson & Chapman, Township of Chapman being Parts 2 & 3, 42R21856, 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 27th day of July, 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 27th day of July, 2022.

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Kerstin Vroom
Kerstin Vroom, CAO/Clerk

Laura Brandt
A Commissioner for taking Affidavits, etc.

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

Name: Laura Brandt
Title: Deputy Clerk

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 Road Allowance between Townships of Ryerson & Chapman, Township of Chapman being Parts 2 & 3, 42R21856, District of Parry Sound.

(Bailey)

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 Road Allowance between Townships of Ryerson & Chapman, Township of Chapman being Parts 2 & 3, 42R21856, 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 27th day of July, 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-21856 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 18th day of July, 2022.

Kerstin Vroom, CAO/Clerk
Municipality of Magnetawan
4304 Highway #520
Magnetawan, Ontario
POA 1P0

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

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

SWORN before me this 27th day of July, 2022


A Commissioner for Taking Affidavits, etc.

Name: Laura Brandt

Title: Deputy Clerk

Properties

PIN 52079 - 0484 LT
Description RDAL BTN TWP OF RYERSON AND TWP OF CHAPMAN (AKA SOUTH HORN LAKE RD) N OF THE CENTRE LINE BTN SOLLMAN LAKE (AKA HORN LAKE) & RDAL BTN TWP OF STRONG AND TWP OF CHAPMAN, MAGNETAWAN
Address MAGNETAWAN

PIN 52137 - 0530 LT
Description RDAL BTN TWP OF RYERSON AND TWP OF CHAPMAN S OF THE CENTRE LINE (AKA SOUTH HORN LAKE ROAD) E OF SOLLMAN LAKE (AKA HORN LAKE) AND W RDAL BTN TWP OF ARMOUR AND TWP OF RYERSON; RYERSON
Address BURK'S FALLS

Applicant(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 Dunnnett, Mayor & Kerstin Vroom, Clerk.

Name THE CORPORATION OF THE TOWNSHIP OF RYERSON
Address for Service R. R. # 1, 28 Midlothian Road,
Burks Falls, ON P0A 1C0
This document is not authorized under Power of Attorney by this party.
This document is being authorized by a municipal corporation George Sterling, Mayor & Judy Kosowan, Clerk.

Statements

I/We, The Corporation of the Municipality of Magnetawan and The Corporation of the Township of Ryerson having a legal interest in the lands hereby apply under section 152(1) of the Land Titles Act to have the register for the said PIN amended by: identifying the Owner of the Parcel Registers for PINs 52079-0484 (LT) and 52137-0530 (LT) as The Corporation of the Municipality of Magnetawan and The Corporation of the Township of Ryerson, jointly.

I Edward B. Veldboom solicitor make the following law statement Pursuant to Section 26 of the Municipal Act, 2001, the land subject to this Application is a joint boundary road allowance made by the Crown surveyors and constitute a public highway. Pursuant to Section 28(2) of the Municipal Act, 2001, the local Municipality, being The Corporation of the Municipality of Magnetawan and The Corporation of the Township of Ryerson, have jurisdiction over the said road allowance jointly. Pursuant to Section 30 of the Municipal Act, 2001, the said road allowance is owned jointly by The Corporation of the Municipality of Magnetawan and The Corporation of the Township of Ryerson..

Signed By

Edward Brian Veldboom 505 Memorial Av., box 158 acting for Signed 2022 09 23
Orillia Applicant(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 Applicant(s).

Submitted By

RUSSELL, CHRISTIE, LLP 505 Memorial Av., box 158 2022 09 23
Orillia
L3V 6J3

Tel 705-325-1326

Fax 705-327-1811

Fees/Taxes/Payment

Statutory Registration Fee \$66.30
Total Paid \$66.30

File Number

Applicant Client File Number : 63-283-365