

**THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN**

BY-LAW 2022 - 49

Being a By-law to stop up, close and sell Part of South Water Street, Plan 319
being Part 1, 42R21904, Municipality of Magnetawan, District of Parry
Sound.

(James)

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:**

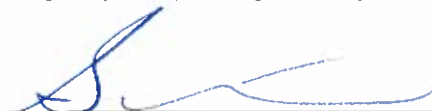
1. **Stop Up and Close** – This Council does hereby stop up and close to vehicular and pedestrian traffic the lands described in Schedule "A".
2. **Surplus Property** - The said lands described in Schedule "A" are declared to be surplus to the requirements of this Municipality.
3. **Authorization for Sale** – This Council does hereby authorize the sale of the said lands described in Schedule "A" at the consideration of **\$9,000.00 plus HST**.
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., Lakeland Power and Bell Canada. All 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 28th DAY OF SEPTEMBER, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 28th DAY OF SEPTEMBER, 2022.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN


_____ c/s

Sam Dunnett, Mayor



Kerstin Vroom, CAO/Clerk

SCHEDULE "A"

Part of South Water Street, Plan 319 being Part 1, 42R21904; Municipality of Magnetawan,
District of Parry Sound.

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2022-49, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 28th day of September, 2022



Kerstin Vroom, CAO/Clerk c/s

District of Parry Sound
Municipality of Magnetawan
County Clerk for Parry Sound
, Parry Sound,
Lawson

SCHEDULE "B"

Part of South Water Street, Plan 319 being Part 1, 42R21904; Municipality of Magnetawan, District of Parry Sound.

CLERK'S AFFIDAVIT - NOTICE

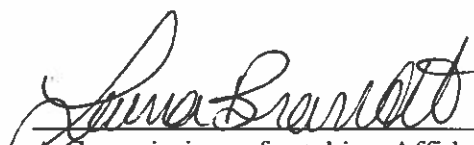
I, Kerstin Vroom, CAO/Clerk, of the Municipality of Magnetawan, make oath and say as follows:

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 28th day of September, 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 28th day)
of September, 2022.)


Kerstin Vroom, CAO/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 South Water Street, Plan 319 being Part 1, 42R21904, Municipality of Magnetawan, District of Parry Sound.

(James)

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 South Water Street, Plan 319 being Part 1, 42R21904, 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 28th day of September, 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.

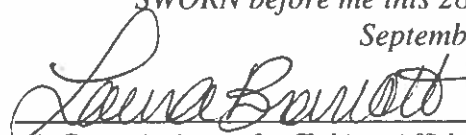
Plan 42R-21904 is available for inspection at the Municipal office or are available for inspection by emailing the Acting Deputy Clerk at ekellogg@magnetawan.co Phone: 705-387-3947.

DATED at the Municipality of Magnetawan, this the 21st day of September, 2022.

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

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

SWORN before me this 28th day of
September, 2022


A Commissioner for Taking Affidavits, etc.

Name: Laura Brandt

Title: Deputy clerk

Properties

PIN 52081 - 0933 LT Interest/Estate Fee Simple Split
 Description PT SOUTH WATER ST PL 319 BEING PART 1 PLAN 42R21904 (CLOSED BY BYLAW
 2022-49 REGISTERED AS GB158282); MAGNETAWAN
 Address MAGNETAWAN

Consideration

Consideration \$9,000.00

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 Highway 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, Clerk.

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

Name HOWARD, KATHERINE ELIZABETH
 Date of Birth 1986 01 01
 Address for Service 60 James Street
 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

Edward Brian Veldboom 505 Memorial Av., box 158 acting for First 2023 04 26
 Orillia Transferor(s) Signed
 L3V 6J3

Tel 705-325-1326

Fax 705-327-1811

Edward Brian Veldboom 505 Memorial Av., box 158 acting for Last 2023 05 25
 Orillia Transferor(s) Signed
 L3V 6J3

Tel 705-325-1326

Fax 705-327-1811

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

Scott Ross McEachran 151 Ferris Lane, Suite 202 acting for First 2023 04 19
 Barrie Transferee(s) Signed
 L4M 6C1

Tel 705-792-9200

Fax 705-792-6911

Scott Ross McEachran 151 Ferris Lane, Suite 202 acting for Last 2023 05 26
 Barrie Transferee(s) Signed
 L4M 6C1

Tel 705-792-9200

Fax 705-792-6911

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

Submitted By

BARRISTON LLP 151 Ferris Lane, Suite 202 2023 05 26
 Barrie
 L4M 6C1

Tel 705-792-9200

Fax 705-792-6911

Fees/Taxes/Payment

<i>Statutory Registration Fee</i>	\$69.00
<i>Provincial Land Transfer Tax</i>	\$45.00
<i>Total Paid</i>	\$114.00

File Number

Transferor Client File Number : 63-283-388

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 52081 - 0933 PT SOUTH WATER ST PL 319 BEING PART 1 PLAN 42R21904 (CLOSED BY BYLAW 2022-49 REGISTERED AS GB158282); MAGNETAWAN

BY: THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

TO: HOWARD, KATHERINE ELIZABETH

1. HOWARD, KATHERINE ELIZABETH

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 _____ 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	\$9,000.00
(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))	\$9,000.00
(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	\$9,000.00

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. GB163069 Date: 2023/04/26

B. Property(s): PIN 52081 - 0933 Address MAGNETAWAN Assessment -
Roll No

C. Address for Service: 60 James Street
Magnetawan, ON P0A 1P0

D. (i) Last Conveyance(s): PIN 52081 - 0933 Registration No.
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: Scott Ross McEachran
151 Ferris Lane, Suite 202
Barrie L4M 6C1