

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW 2021 – 50

Being a By-law to stop up, close and sell Part of the Original Road Allowance between Concessions 8 & 9 (in front of Lots 14 & 15), Geographic Township of Croft, being Parts 1 & 2, 42R-21694, Municipality of Magnetawan, District of Parry Sound. ROLL #494403000207980

(Stanley)

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 **\$2,699.69**.
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., Bell Canada and Public Works 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 22nd DAY OF September, 2021.

READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF September, 2021.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN

 c/s

Sam Dunnett, Mayor



Kerstin Vroom, CAO/Clerk


SCHEDULE "A"

Part of the Original Road Allowance Between Concessions 8 and 9 (in front of Lots 14 & 15), Geographic Township of Croft, being Parts 1 & 2, 42R-21694, Municipality of Magnetawan, District of Parry Sound

BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2021-50, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 20nd day of September, 2021



Kerstin Vroom, CAO/Clerk

District of Parry Sound
Municipality of Magnetawan
Committee for Public Works
Magnetawan Clerk
Parry Sound

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2021- 50 FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN.

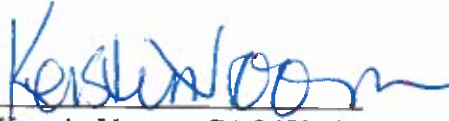
CLERK'S AFFIDAVIT - NOTICE

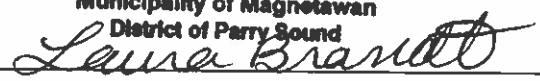
I, Kerstin Vroom, CAO/Clerk, of the Municipality of Magnetawan, make oath and say as follows:

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 , 2021 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 22nd day)
of September, 2021.)


Kerstin Vroom, CAO/Clerk

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

A Commissioner for taking Affidavits, etc.

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 of the Original Road Allowance Between Concession 8 & 9 (in front of Lots 14 & 15), Geographic Township of Croft, being Parts 1 & 2, Plan 42R-21694, Municipality of Magnetawan, District of Parry Sound

(Stanley)

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 road allowance:

Part of the Original Road Allowance Between Concession 8 & 9 (in front of Lots 14 & 15, Geographic Township of Croft, being Parts 1 & 2, 42R-21694, 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 of Council at the Municipality of Magnetawan Community Centre, the 22nd day of September, 2021 at the hour of 1:00pm.

AND TAKE FURTHER NOTICE THAT Council will consider comments from anyone, 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.

Related Plans 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 3rd day of September, 2021.

Nicole Gourlay, Deputy Clerk Planning & Development
Municipality of Magnetawan
4304 Highway #520
Magnetawan, Ontario
P0A 1P0

Laura Brandt
Acting 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 22nd day of September, 2021

Laura Brandt
A Commissioner for Taking Affidavits, etc.

Name: Laura Brandt

Title: Deputy Clerk

Properties

PIN 52083 - 0217 LT Affects Part of Prop
Description PT RDAL BTN CON 8 AND CON 9 CROFT BEING PARTS 1 & 2, 42R21694;
MAGNETAWAN
Address MAGNETAWAN

Applicant(s)

This Order/By-law affects the selected PINs.

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

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

Statements

This application is based on the Municipality By-law See Schedules.

Signed By

Edward Brian Veldboom 505 Memorial Av., box 158 acting for Signed 2021 09 28
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 2021 09 28
Orillia
L3V 6J3

Tel 705-325-1326

Fax 705-327-1811

Fees/Taxes/Payment

Statutory Registration Fee \$65.30
Total Paid \$65.30

File Number

Applicant Client File Number : 63-283-376