

**THE CORPORATION OF THE MUNICIPALITY OF  
MAGNETAWAN**

**BY-LAW 2021 – 54**

Being a By-law to stop up, close and sell Part of the Original Road Allowance between Concessions 4 & 5 between Magnetawan River and Ahmic Lake, Geographic Township of Croft, being Part 2, 42R-21702, Municipality of Magnetawan, District of Parry Sound.

(Robertson/Norton)

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**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 **\$13,562.51**.
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 13<sup>th</sup> DAY OF October, 2021.

READ A THIRD TIME AND FINALLY PASSED THIS 13<sup>th</sup> DAY OF October, 2021.

THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN

  
\_\_\_\_\_  
Sam Dunnett, Mayor c/s

  
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Kerstin Vroom, CAO/Clerk

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SCHEDULE "A"

Part of the Original Road Allowance Between Concessions 4 and 5 between the Magnetawan River and Ahmic Lake, Geographic Township of Croft, being Part 2, 42R-21702, Municipality of Magnetawan, District of Parry Sound

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BY-LAW CERTIFICATION

CERTIFIED to be a true copy of By-law 2021-54, and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 13<sup>th</sup> day of October, 2021

  
\_\_\_\_\_  
Kerstin Vroom, CAO/Clerk c/s



SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2021- 54 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 13th day of October, 2021.

Kerstin Vroom
Kerstin Vroom, CAO/Clerk

Laura Brandt
A Commissioner for taking Affidavits, etc.

Laura Brandt
Acting 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 of the Original Road Allowance Between Concessions 4 & 5, between the Magnetawan River and Ahmic Lake, Geographic Township of Croft, being Part 2, Plan 42R-21702, Municipality of Magnetawan, District of Parry Sound

(Robertson Norton)

**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 Concessions 4 & 5, between Magnetawan River and Ahmic Lake, Geographic Township of Croft, being Part 2, 42R-21702, 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 which will be held on Wednesday, the 13<sup>th</sup> day of October, 2021 at the hour of 1:00 in the afternoon. Please go to our website <https://magnetawan.com/> for information regarding COVID-19 protocols.

**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](mailto:ngourlay@magnetawan.com) or Phone: 705-387-3947.

**DATED** at the Municipality of Magnetawan, this the 29<sup>th</sup> day of September, 2021.

Nicole Gourlay, Deputy Clerk – Planning & Development  
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 13<sup>th</sup> day of October, 2021

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

Laura Brandt  
A Commissioner for Taking Affidavits, etc.

Name: Laura Brandt

Title: Deputy clerk