

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2005-08

Being a By-law to stop up and close part of Bank Street, Registered Plan 319, and Lot 15, west side of Richmond Street, Registered Plan 319, Town Plot of Magnetawan, now in the Municipality of Magnetawan, District of Parry Sound (Heimbecker)

LEGISLATION

WHEREAS pursuant to Section 11 of *The Municipal Act, S.O. 2001, c.25*, Municipalities have authority over highways in their jurisdiction;

AND WHEREAS the subject road allowances are within the jurisdiction of this Municipality;

AND WHEREAS by Section 34 of the said Municipal Act, Council is empowered to pass By-laws to close highways after giving public notice of its intention to pass such a By-law;

REFERENCE PLAN

AND WHEREAS the road allowances to be closed and sold are described as being Part 8 and Parts 3 and 6, Plan 42R16852;

NOTICE AND PUBLICATION

AND WHEREAS pursuant to the Municipality's Procedures for Notices By-law No. 2004-26, the Clerk of this Corporation did cause a Notice of the proposed By-law to be published in the *Almaguin News* once a week for four (4) consecutive weeks, and posted in three (3) places in the area of the subject property for a period of twenty eight (28) days.

SURPLUS PROPERTY / SALE PRICE

AND WHEREAS pursuant to Section 268 of *The Municipal Act, 2001*, the Council of a Municipality is required, before selling land, to declare the land surplus to the needs of the Municipality, and set the sale price of the land to be sold;

NOW THEREFORE 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 those road allowances more particularly described in Schedule "A" attached hereto.
2. Authorization for Sale - This Council does hereby authorize the sale of the said land described in Schedule "A", to E. P. Heimbecker and C. J. Heimbecker.
3. Surplus Property - The said lands described in Schedule "A" are declared to be surplus to the requirements of this Municipality.
4. Consideration - The consideration for the sale of the said lands, excluding legal and Municipal administrative charges, is as follows:

- a) for the parcel being Part 8, Plan 42R-16852 the sum of Seven Hundred Dollars (\$700.00);
 - b) for the parcel being Parts 3 and 6, Plan 42R-16852, the sum of One Dollar (\$1.00), the Grantees having previously conveyed a parcel of land to the Municipality.
5. Sale of Land By-law - Compliance with the Notice provisions of By-law 2004-26 shall be deemed to be in compliance with the Notice provisions of this Municipality's Sale of Land By-law.
6. Execution of Documents - The Mayor and the Clerk are hereby authorized to execute all documents in connection with the closing and subsequent transfer of title 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 No. 2004-26 and;
 - b) the procedures taken for notice to Public Utilities and Ministries.
8. Clerk's Certificate - That the Clerk shall prepare a "Clerk's Certificate of Compliance" pursuant to Section 268 (6) of *The Municipal Act, 2001*, and which Certificate shall be attached to the Transfer.

**Passed in open Council as read a First, Second and Third time,
this 23rd day of February, 2005**

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*

SCHEDULE "A"

Firstly: part of Bank Street, Registered Plan 319, Town Plot of Magnetawan, now Municipality of Magnetawan, District of Parry Sound, designated as Part 8, Plan 42R-16852.

Secondly: part of Lot 15, west side of Richmond Street, Registered Plan 319, Town Plot of Magnetawan, now Municipality of Magnetawan, District of Parry Sound, designated as Parts 3 and 6, Plan 42R-16852.

CERTIFIED to be a true copy of By-law No. 2005-08, Schedules "A", "B", and Exhibit "A", and that the said By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this the 23rd day of February, 2005

Brenda J. Fraser, Clerk/Administrator

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW NO. 2005-08 FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

CLERK'S AFFIDAVIT

I, Brenda J. Fraser, Clerk of The Corporation of the Municipality of Magnetawan, make oath and say as follows:

1. This Deponent

I am the 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 No. 2004-26, I did cause notice of the proposed By-law by The Corporation to stop up, close and sell part that parcel of land described in Schedule "A" of the By-law No. 2005-08.

(a) to be published in the Almaguin News, a newspaper of local circulation, once a week for four (4) consecutive weeks, namely: January 26, 2005; February 2, 2005; February 9, 2005; and February 16, 2005.

(b) to be posted in three (3) of the most public places in the immediate neighbourhood of the said road allowance for a period of twenty eight (28) days; and

3. Copy of Notice

Attached to this my Affidavit as Exhibit "A" is a copy of the actual Notice as it appeared in the Almaguin News and as posted.

4. Additional Notification

Notice of the proposed road closing was sent to Public Works Canada, Hydro One and Bell Canada and each has advised in writing that they have no interest in the said road closing.

5. Motor Vehicle Access

The proposed By-law came before Council at its regular meeting on the 23rd day of February, 2005 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 23rd day)
of February, 2005)

Brenda J. Fraser, Clerk/Administrator

A Commissioner for taking Affidavits, etc.

EXHIBIT "A"

This is Exhibit "A" to the Affidavit of Brenda J. Fraser, Clerk of The Corporation of the Municipality of Magnetawan.

Almaguin News

This is Exhibit 'A' mentioned and referred
to in the Affidavit of Brenda J. Fraser.

SWORN before me this 23rd day of February, 2005
A Commissioner for taking Affidavits, etc