

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2004 - 35

Being a By-law to stop up, close and sell part of the original road allowance between Concessions 8 and 9 in front of Lot 1, geographic Township of Croft, now in the Municipality of Magnetawan, District of Parry Sound (Matthews)

LEGISLATION

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

AND WHEREAS the subject road allowance is within the jurisdiction of the 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 that portion of the original road allowance being closed and sold is described as Parts 1 and 2, Plan 42R-16770 and is immediately adjacent to Lot 1, Concession 9, geographic Township of Croft;

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 THIS CORPORATION AS FOLLOWS:

1. **Stop Up and Close**
This Council does hereby stop up and close to vehicular and pedestrian traffic that part of the original road allowance being more particularly described in Schedule "A" attached hereto, subject to easements over Parts 1 and 2, Plan 42R-16770;
2. **Authorization for Sale**
This Council does hereby authorize the sale of the said land described in Schedule "A", to the owners of Part 5, Plan 42R-16770 located in Lot 1, Concession 8, geographic Township of Croft, now in the Municipality of Magnetawan;
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 Parts 1 and 2, excluding legal and Municipal administrative costs, shall be the responsibility of the Applicant, shall be a conveyance to the Municipality, free of all encumbrances, of Parts 4 and 5, Plan 42R-16770;

5. Sale of Land By-law

Compliance with the Notice provisions of By-law No. 2004-26 shall be deemed to be compliance with the Notice provisions of this Municipality's Sale of Land By-law;

6. Easements

Prior to the sale of Parts 1 and 2, Plan 42R-16770, the Municipality shall prepare the following easements:

- a) an easement for vehicle and pedestrian purposes to Joseph Petronis and Dona Petronis, as Joint Tenants, over Part 1, Plan 42R-16770;
- b) an easement to Bell Canada for telephone services over Parts 1 and 2, Plan 42R-16770;

7. 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";

8. 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;

9. 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.

**THIS BY-LAW READ A FIRST AND SECOND TIME
THIS, THE 27TH DAY OF OCTOBER, 2004**

**BY-LAW READ A THIRD TIME, AND PASSED,
THIS, THE 8TH DAY OF DECEMBER, 2004**

**The Corporation of the
Municipality of Magnetawan**

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*

SCHEDULE "A"

Part of the original road allowance in front of Lot 1, Concession 9, geographic Township of Croft, now Municipality of Magnetawan, District of Parry Sound, designated as Parts 1 and 2, on Plan 42R-16770.

CERTIFIED to be a true copy of By-law No. 2004-35, and Schedules "A" and "B", and Exhibit "A" and that such By-law is in full force and effect.

Dated at the Municipality of Magnetawan, this, the 8th day of December, 2004.

Brenda J. Fraser, *Clerk/Administrator*

