

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2008-09

Being a by-law to close and convey a portion of unused original road allowance between concessions 12 and 13 in front of Lot 15 adjoining the traveled portion of Valley View Drive East Upon the Application of R.M. Sauve Construction Ltd. In accordance with the Municipal Act, 2001, as amended.

WHEREAS the Applicant has applied to the Corporation of the Municipality of Powassan (hereinafter called the Municipality) to have a portion of original road allowance in front of their property closed and conveyed to the registered owners of the land adjoining; and

WHEREAS the Applicant has retained an Ontario Land Surveyor to prepare and register the Reference Plan referred to herein depicting lands said to be a portion of original road allowance reserved by the Crown in its original Patent of adjoining lands for purposes of a future highway, and both the Municipality and the Applicant are relying upon the said surveyor's findings as to existence, location and extent of the original road allowance which is the subject of this by-law; and

Whereas the Municipality has the authority to establish highways under Section 31 and has jurisdiction and ownership of highways under its jurisdiction by virtue of Sections 26, 28, 30 of the Municipal Act, 2001, as amended; and

Whereas the Municipality has authority to close and convey portions of highways to adjoining landowners by virtue of Sections 34 and 268 (8) of the Municipal Act, 2001, as amended; and

Whereas the sale of closed road allowances to adjoining landowners is exempt from the requirements of an appraisal pursuant to Section 268(8) of the Municipal Act, 2001; and

Whereas all of the notice and other requirements of Section 34 of the Municipal Act, 2001, and Municipal By-law 2007-12 regarding the giving of notice have been satisfied.

NOW THEREFORE BE IT RESOVLED THAT THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN ENACTS AS FOLLOWS:

1. In this By-Law the term "Subject Lands" means the lands described as such on the left portion of Schedule "A" attached to and forming part of this By-Law and the term "Adjoining Lands" for each such portion of "Subject Lands" means the lands described as such immediately to the right on the right portion of the same Schedule "A".
2. Subject to Section 6 of this By-Law below, and for the purpose of confirming the jurisdiction of the Municipality, the Subject Lands are hereby established as and assumed as a highway if such has not already occurred.

3. The highway described as the Subject Lands in Schedule “A” shall be and the same is hereby closed and stopped up for all purposes as a highway. The said lands are hereby declared “surplus” and not needed by the Municipality.
4. The Subject Lands described in Schedule “A” shall be sold and conveyed to the registered owner(s) of the Adjoining Lands as they appear on the Parcel Register or Abstract for said Adjoining Lands on the day the Transfer/Deed of Land is registered, subject to the terms and conditions set out in Section 5 of this By-law immediately below. The Mayor and the CAO/Clerk, are hereby authorized to execute the Transfer/Deed of Land and such ancillary documents as solicitor Robert J. van der Wijst may approve including the certificate required by S. 268 of the Municipal Act, to complete the transaction and to apply the Seal of the corporation thereto, where required.
5. Prior to Registration of the Transfer/Deed, each Applicant shall
 - (a) Pay to the Township the purchase price of the land which is hereby fixed at \$5.00 plus six per cent of the said purchase Price on account of Goods and Service Tax.
 - a. Pay to the Municipality the prescribed Township Administration fee and all fees and disbursements of Robert J. van der Wijst, solicitor for his services in preparing this By-Law and completing the transaction on behalf of the Municipality.
 - b. Execute a written acknowledgement that
 - Applicant(s) and Transferees are relying upon the surveyor hired by the Applicant(s) as to the existence, location and extent of that portion of original shore road allowance being conveyed.
 - Applicant(s) and Transferees acknowledge that while the Municipality will take such steps as it is advised to convey good title, there is no guarantee of title by the Municipality to them.
6. Sections 2 and 3 of this By-Law shall come into effect upon the registration of this By-Law on title to the Subject Lands (by Application for first registration or otherwise) by Solicitor Robert J. van der Wijst. Registration of the By-Law shall be conclusive proof that the conditions recited above and in Section 5 of this By-Law have been satisfied.

Adopted in open Council March 4, 2008.

Mayor

Clerk