

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2013-04

Being a by-law to stop up, close and convey the roads located in part of Lot 27, Concession 3, and identified as Lots 1 and 2, Pl M519; and Calvin Crescent, Elliott Street, and Banner Drive, all in Pl M519 and Blocks 41-45, M519 In accordance with the Municipal Act, 2001, as amended.

WHEREAS pursuant to Section 8 of the Municipal Act, 2001, S.O. c. 25, provides the Municipality with the powers of a natural person and the authority to govern their efforts as it considers appropriate.

WHEREAS pursuant to Section 11 of the Municipal Act, 2001, S.O. c. 25, the Municipality has the authority to pass by-laws respecting highways, and,

WHEREAS pursuant to Section 34 of the said Act, a by-law for permanently closing up a highway does not take effect until a certified copy of the by-law is registered in the property Land Registry office; and,

WHEREAS the Applicant has applied to the Corporation of the Municipality of Powassan (hereinafter called the Municipality) to have the portion of the road allowance and blocks within their property closed and conveyed to the registered owners of the land; and

WHEREAS the Applicant has provided a Reference Plan referred to herein depicting lands said to be a portion of original road allowance and blocks, and both the Municipality and the Applicant are relying upon the said Reference Plan as to existence, location and extent of the original road allowances and blocks which are 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 RESOLVED 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 Schedule “A” attached to and forming part of this By-Law.
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 Clerk-Treasurer, are hereby authorized to execute the Transfer/Deed of Land and such ancillary documents as solicitor Valin & Partners 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, the 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 Harmonized Sales Tax.
 - a. Pay to the Municipality the prescribed Municipal Administration fee and all fees and disbursements of Valin & Partners, solicitor for his services in preparing this By-Law and completing the transaction on behalf of the Municipality.
 - b. Execute a written acknowledgement that
 - the Applicant and Transferee is relying upon the surveyor hired by the Applicant as to the existence, location and extent of that portion of original road allowance being conveyed.
 - Applicant and Transferee 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 Valin & Partners. 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.

READ A FIRST, SECOND AND THIRD TIME and passed on the 22nd day of January, 2013.

Mayor

Clerk

Adopted in open Council _____, 2013

Mayor

Clerk

**BY-LAW 2013-04
SCHEDULE A**

