

**THE CORPORATION OF THE TOWNSHIP OF  
SOUTH ALGONQUIN**

BY- LAW NO. 2013-437

(Being a by-law to close a highway, being parts of the Major Lake Road)

WHEREAS:

1. This By-law applies to that part of "Major Lake Road" having a length of approximately 8.1 km. extending from its point of intersection with McCauley Lake Road to the northern limit of the Municipality, being the boundary between the Geographic Township of Murchison within the Municipality and the Geographic Township of Preston, being part of Algonquin Provincial Park, which section of the Major Lake Road is hereinafter in this By-law called the "Major Lake Road "; and
2. The Major Lake Road is located entirely on Crown land; and
3. The Major Lake Road existed before the Municipality was incorporated by Order dated June 1, 1998 of the Minister of Municipal Affairs and Housing and, until the creation of the Municipality, lay within unorganized territory; and
4. By virtue of the said Order, Major Lake Road fell under the jurisdiction of the Municipality; and
5. Major Lake Road is one of the roads included in By-law No. 2005-243 of the Municipality dealing with "level of service for municipal highways"; and
6. Only three ratepayers depend upon the Major Lake Road for road access to their properties; and
7. The Major Lake Road is travelled mostly by vehicles used for hauling forest products on behalf of the Algonquin Forest Authority and by vehicles operated by persons seeking to enter Algonquin Provincial Park for recreational purposes; and
8. By virtue of its length, the terrain which it traverses and its use by commercial vehicles used for hauling forest products, which cause significant wear and tear, maintenance of the Major Lake Road is very expensive; and
9. The closure of the Major Lake Road will not result in any person having no motor vehicle access to and from that person's land over any highway, or in persons operating vehicles used for hauling forest products or seeking to enter Algonquin Provincial Park for recreational purposes being deprived of its use, because it lies entirely upon Crown land and, by virtue of Section 49 of the *Public Lands Act*, R.S.O. 1990, c. P.43 as amended, and "any person may exercise a public right of passage on a road other than a private forest road"; and
10. The Major Lake Road is not covered with water and does not abut any land owned by the Crown in Right of Canada or lead to any work owned by the Crown in Right of Canada and, therefore, the consent of neither the Ministry of Natural Resources of Ontario nor the Government of Canada to the passing of this By-law is required by Section 43 or Subsection 34(2) respectively of the *Municipal Act*, 2001, S.O. 2001, c.25; and
11. Adequate and reasonable notice of its intention to enact this By-law was given by the Municipality to the public by advertisement in "The Bancroft This Week" and in "the Valley Gazette" and specifically to those three ratepayers who use it for purposes of access to their properties, the Superintendent of Algonquin Provincial Park, the General Manager of the Algonquin Forest Authority and the Minister of Natural Resources; and
12. It is desirable and in the interests of the Municipality that this By-law be enacted,

NOW THEREFORE the Council of The Corporation of the Township of South Algonquin enacts as follows:

1. That section of the Major Lake Road hereinbefore described as the "Major Lake Road ", being that section thereof extending in a general northerly direction from its point of intersection with McCauley Lake Road for a distance of approximately 8.1 km. to the northern limit of the Municipality at its boundary with Algonquin Provincial Park within Lot 23, Concession 16, in the Geographic Township of Murchison be and the same is hereby permanently closed.
2. That the Works Superintendent of the Municipality be and he is hereby authorized and directed to prepare and post at either end of the Major Lake Road and at such intervals along it as he sees fit, with the approval of the Ministry of Natural Resources, if required, signs advising that the Major Lake Road is not a public highway and is not maintained by the Municipality, and that persons using it do so at their own risk.
3. By-law No. 2005-243 of the Municipality is hereby amended by deleting from Section 02 thereof that part of Major Lake Road which is the Major Lake Road, and by identifying "Major Lake Road" listed therein as having a length of 12 km.
4. This By-law shall take effect upon registration of a certified copy hereof in the Land Registry Office for the Land Titles Division of Nipissing (No. 36) pursuant to Subsection 34(1) of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended.

READ a first and second time this 6<sup>th</sup> day of December, 2012.

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Mayor

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Clerk-Treasurer

READ a third time and passed this 24<sup>th</sup> day of January 2013.

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Mayor

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Clerk-Treasurer