

**THE CORPORATION OF THE TOWNSHIP OF  
SOUTH ALGONQUIN  
BY-LAW NO. 2013 - 441**

**(being a by-law to permanently close and sell parts of road allowances)**

**WHEREAS:**

1. By virtue of Sections 9 and 11 and Subsection 31(2) and Subsection 34(1) of the *Municipal Act*, S.O. 2001, c.5 as amended, municipalities are empowered to establish highways and to permanently close highways; and
2. The road allowances laid out by the original Crown survey and on registered plans of subdivision are “highways” by virtue of Section 26 of the Act; and
3. Parts of the road allowance between Concession 8 and 9 adjacent to Lot 30, Concession 9 which lie between Lot 6 and 6A and between Lot 7 and Lot 7A on Registered Plan 36M-351 and of the shore road allowance along McCauley Lake are not used or required for highway purposes and the owners of the land abutting parts thereof have applied to the municipality to close and sell to them those parts of the said road allowance and shore road allowance hereinafter more particularly described; and
4. It is desirable and in the interests of the municipality that it close and sell to the owners of the land abutting the said parts of the said road allowance and shore road allowance; and
5. The permanent closure of the said parts of the said road allowance and shore road allowance will not result in any person having no motor vehicle access to and from that person’s land over any highway; and
6. None of the parts of the said road allowances permanently closed by this by-law abuts land owned by the Crown in right of Canada or leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada and, therefore, the consent of the Government of Canada to the passing of this By-law is not required by Subsection 34(2) of the Act; and
7. None of the parts of the said road allowances permanently closed by this by-law is covered with water and, therefore, the consent of the Minister of Natural Resources of Ontario to the conveyance of the said closed parts is not required by Section 43 of the Act; and
8. Hydro One Networks Inc. and Bell Canada require easements with respect to parts of the said shore road allowance; and
9. Adequate and reasonable public notice of its intention to enact this by-law was given by the municipality,

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

10. That those parts of the shore road allowance along McCauley Lake more particularly described in Schedule “A” to this By-law be and the same are hereby permanently closed.
11. That those parts of the road allowance between Concession 8 and 9 adjacent to Lot 30, Concession 9 and lying between Lot 6 and Lot 6A and Lots 7 and Lot 7A on Registered Plan 36M-351 more particularly described in Schedule “B” to this By-law be and the same are hereby permanently closed.
12. That the said parts of the said shore road allowance and road allowance be and the same are hereby declared surplus.

13. That the municipality grant to Hydro One Networks Inc. and to Bell Canada easements in the form required by each of them with respect to those parts of the said shore road allowance more particularly described in Schedule “C” to this By-law.
14. That those parts of the said shore road allowance and road allowance permanently closed by this By-law be sold and conveyed subject where applicable to the easements aforesaid to the persons indicated in Schedule “D” to this By-law in consideration for payment by each of them to the municipality of the amounts set out opposite their respective names in Schedule “D” hereto plus all survey, advertising, administrative, legal and other costs, charges and expenses associated with the closure, sale and conveyance thereof to each of them.
15. That the Mayor and the Clerk-Treasurer of the municipality be and they are hereby authorized and directed to perform all acts and to take such steps and to execute such documents under the seal of the Municipality as are required to finalize the closure and sale of road allowances authorized by this By-law and to authorize electronic registration in the Land Registry Office for the Land Titles Division of Renfrew (No. 36) of Transfers from the municipality in accordance with this By-law.
16. In accordance with Subsection 34(1) of the Act, this By-law shall take effect upon registration of a certified copy of this By-law in the Land Registry Office for the Land Titles Division of Nipissing (No. 36).

**READ A FIRST AND SECOND TIME this 16th day of May, 2013.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Clerk-Treasurer**

**READ A THIRD TIME and passed and enacted this 16th day of May, 2013.**

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**Mayor**

\_\_\_\_\_  
**Clerk-Treasurer**

### SCHEDULE "A"

Those parts of shore road allowance along McCauley Lake in front of Lots 6A, 7A, 8 and 9 on Plan M-351 (being a subdivision of part of Lot 30, Concession 9), Geographic Township of Murchison, laid out as Parts 1-9 inclusive on Reference Plan 36R-13408, in the Township of South Algonquin, in the District of Nipissing.

### SCHEDULE "B"

Those parts of the road allowance between (former) Concession 8 and Concession 9, Geographic Township of Murchison, abutting Lot 30, Concession 9, laid out as Parts 10 and 11 on Reference Plan 36R-13408, Township of South Algonquin, District of Nipissing, being part of PIN 49226-0061(LT).

### SCHEDULE "C"

Those parts of shore road allowance along McCauley Lake in front of Lots 6A, 7A, 8 and 9 on Plan M-351 (being a subdivision of part of Lot 30, Concession 9), Geographic Township of Murchison, laid out as Parts 5 and 6 and Parts 7 and 9 on Reference Plan 36R-13408, in the Township of South Algonquin, in the District of Nipissing.

### SCHEDULE "D"

<u>Applicants</u>	<u>Lying in front of or between</u>	<u>Road Allowance Description</u> Plan 36R-13408	<u>Price Payable</u> (Includes deposit)
Mochula, Randal G. and Charlene E.	Lots 6 and 6A, Plan M-351	Parts 1, 5 and 10	
McKenzie, Clara M. Angus, Jane A., Dann A. and Mary M.	Lots 7 and 7A Plan M-351	Parts 2, 6 and 11	
Reininger, James E.	Lot 8, Plan M-351	Parts 3 and 7	
Lester, Robert T. and Mary J.	Lot 9, Plan M-351	Parts 4, 8 and 9	