

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

**BY-LAW NUMBER 2016-506**

**Being a by-law to provide for the stopping up and closing of part of the unopened allowance for road along the shore of McCauley Lake in front of Lot 30, Concession 10 in the geographic Township of Murchison**

**WHEREAS:**

1. The original road allowance laid out by the original Crown survey along the shore of McCauley Lake is a “highway” by virtue of Section 26 of the *Municipal Act*, 2001, S.O.2001, c.25 (the “Act”) as amended; and
2. By Section 9 and Section 11 of the Act, a municipality is empowered to permanently close a highway; and
3. The owner of land abutting part of the said original road allowance has applied to the Municipality to close it and sell it to the said owner; and
4. The closure will not result in any person having no motor vehicle access to and from that person’s land over any highway; and
5. The part of the said road allowance closed by this By-law 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 Canada, and therefore the consent of neither the Ministry of Natural Resources and Forestry of Ontario nor the Government of Canada to the passing of this By-law is required by Section 43 or Section 34(2) respectively of the Act; and
6. Adequate and reasonable public notice of its intention to pass this by-law was given by the Municipality, in accordance with By-Law No. 2008-296,

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

1. That those parts of the original allowance for road along the shore of McCauley Lake lying in front of Lot 30, Concession 10, in the geographic Township of Murchison designated as Parts 2 and 3 on Reference Plan 36R-13844 in the Township of South Algonquin in the District of Nipissing be and they are hereby permanently closed.
2. That the Municipality grant easements in the form each of them requires to Hydro One Networks Inc. and Bell Canada over that part of the said original allowance for road designated as Part 2 on Plan 36R-13844 and, if determined to be necessary, to Hydro One Networks Inc. over part of that part thereof designated as Part 3 thereon.
3. That the said parts of the said road allowance be and the same are hereby declared surplus in accordance with Resolution No. 188-1998.
4. That those parts of the said road allowance described in paragraph 1 hereof be sold and conveyed, subject to the easements described in paragraph 2 hereof, to the owner(s) of the land abutting same (or their successors in title) for a price calculated at the rate of \$4.00 per linear foot plus all survey, advertising, administrative, legal and other costs and expenses associated with the said closure, sale and conveyance.

5. That the Mayor and CAO/Clerk-Treasurer of the Municipality be, and they are hereby authorized and directed to perform all acts and to take such steps and execute such documents under the seal of the Municipality as are required to grant the easements and to transfer the said parts of the road allowance permanently closed by this By-law to the owner(s) of the abutting land, and to authorize the electronic registration of a Transfer in the Land Registry Office for the Land Titles Division of Nipissing (No. 36) in consideration for and upon payment of the sale price and costs and expenses aforesaid.
6. That this By-Law shall take effect upon registration of a certified copy hereof in the said Land Registry Office.
7. That By-law No. 2016-499 dealing with the same subject matter, which has not yet been registered, be and is hereby repealed.

**READ A FIRST AND SECOND TIME THIS            DAY OF            , 2016.**

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Jane Dumas, Mayor

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Suzanne Klatt, CAO/Clerk-Treasurer

**READ A THIRD TIME AND FINALLY PASSED THIS            DAY OF  
, 2016.**

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Jane Dumas, Mayor

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Suzanne Klatt, CAO/Clerk-Treasurer