

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

**BY-LAW NUMBER 2016-516**

**Being a by-law to provide for the stopping up and closing of part of the road allowance along the shore of McKenzie Lake in the geographic Township of Sabine in front of Lot 15, Plan 36M-602, Lyell Township designated as Part 6 Reference Plan 36R-10448, also parts of the unopened original road allowance between the geographic Townships of Lyell and Sabine in front of Lot 15, Plan 36M-602, Lyell Township designated as Part 6 Reference Plan 36R-10448.**

**WHEREAS:**

1. The original road allowance laid out by the original Crown survey along the shore of McKenzie 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 owners of land abutting part of the said original road allowances have applied to the Municipality to close them and sell them to the said owners; 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 allowances closed by this By-law are 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 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 shore road allowance along the shore of McKenzie Lake in the geographic Township of Sabine, in front of Lot 15, Plan 36M-602, Lyell Township designated at Part 6 on Reference Plan 36R-10448 in the Township of South Algonquin in the District of Nipissing be hereby permanently closed.
2. That those part of the original unopened road allowance between the geographic Townships of Lyell and Sabine in front of Lot 15, Plan 36M-602, Lyell Township designated as Part 6 on Reference Plan 36R-10448 in the Township of South Algonquin in the District of Nipissing be hereby permanently closed.
3. That the said parts of the shore road allowance and the unopened road allowance be and the same are hereby declared surplus in accordance with Resolution No. 188-1998.
4. That those parts of the said original shore road allowance and the unopened road allowance described in paragraph 1 and 2 hereof be sold and conveyed, 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 transfer the said parts of the shore road allowance and the unopened 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.

**READ A FIRST AND SECOND TIME THIS 20th DAY OF OCTOBER, 2016.**

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Jane A.E. Dumas, Mayor

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Holly Hayes, CAO/Clerk-Treasurer

**READ A THIRD TIME AND PASSED AND ENACTED THIS 20<sup>th</sup> DAY OF OCTOBER, 2016.**

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Jane A.E. Dumas, Mayor

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Holly Hayes, CAO/Clerk-Treasurer