

**THE CORPORATION OF THE TOWNSHIP OF
SOUTH ALGONQUIN
BY-LAW NO. 2023-737**

Being a By-law to provide for the stopping up and closing parts of the shore road allowance along Aylen Lake in front of PLAN M333 LOT 9 PCL;21144 NIP, designated as Parts 1 & 2 on Reference Plan 36R-14970 in the Geographic Township of Dickens, within the Township of South Algonquin, in the District of Nipissing.

WHEREAS:

1. The original road allowance laid out by the original Crown survey along the shore Aylen 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 allowance have applied to the Municipality to close it and sell it 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 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 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 Section 34(2) respectively of the Act; and
6. Bell Canada and Hydro One Networks Inc. requires an easement with respect to parts of the said shore road allowance; and
7. Adequate and reasonable public notice of its intention to pass this by-law was given by the Municipality, in accordance with Township of South Algonquin By-Law, 2017-546.

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 Aylen Lake lying in front of PLAN M333 LOT 9 PCL;21144 NIP, designated as Part 1 and 2 on Reference Plan 36R-14970 in the geographic Township of Dickens in the Township of South Algonquin in the District of Nipissing are declared surplus and hereby permanently closed.
2. That the municipality grant Bell Canada and Hydro One Networks Inc. an easement in the form required with respect to Part 2 of Reference Plan 36R-14970.
3. That those parts of the said road allowance described in paragraph 1 hereof be sold and conveyed to the owners of the land abutting same (or their successors in title) for a price calculated at the rate of \$5.00 per linear foot or \$16.50 per metre plus all survey, advertising, administrative, legal and other costs and expenses associated with the said closure, sale and conveyance.
4. That the Mayor and CAO/Clerk Treasurer of the Municipality be 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 road allowance permanently closed by this By-law to the owners 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 (#36) North Bay in consideration of and upon payment of the sale price and costs and expenses aforesaid.

5. That this By-Law shall take effect upon the final passing hereof.
6. Any other By-Law antedating this By-Law is hereby repealed.

READ A FIRST AND SECOND TIME THIS 1st DAY OF FEBRUARY, 2023.

Ethel LaValley, Mayor

Bryan Martin, CAO/Clerk-Treasurer

READ A THIRD TIME AND FINALLY PASSED THIS 1st DAY OF FEBRUARY, 2023.

Ethel LaValley, Mayor

Bryan Martin, CAO/Clerk-Treasurer