

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW NO. 2016-26

Being a By-law to stop up, close and sell the road allowance between Concessions 14 & 15 designated as Part 3 on Plan 42R-20521, in the Municipality of Powassan, District of Parry Sound.

LEGISLATION

WHEREAS:

1. pursuant to Section 27(1) of the *Municipal Act, S.O. 2001, c.25*, as amended, municipalities are given authority over highways within their jurisdiction;
2. the Original Road Allowance which is the subject matter of this by-law is within the jurisdiction of this municipality.

AND WHEREAS pursuant to the Municipality's Procedures for the Notice By-law 2007-12, the Clerk of this Corporation did cause a Notice of the proposed By-law to be published in accordance with the requirements of the said By-law.

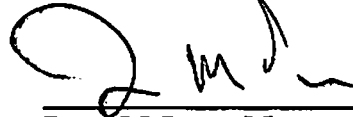
BE IT ENACTED AS A BY-LAW OF THIS CORPORATION AS FOLLOWS:

1. **Stop Up and Close - Original Road Allowance**
This Council does hereby stop up and close to that portion of the public highway described in Schedule "A" attached.
2. **Surplus Property** - The said lands described in Schedule "A" are declared to be surplus to the requirements of this Municipality.
3. **Authorization for Sale** - This Council does hereby authorize the disposition of the said lands described in Schedule "A", in exchange for lands described as Part 6, Plan 42R-20521.
4. **Easements** - This Council does hereby authorize the transfer of such easements over the lands described in Schedule "A" attached hereto as may be required by the utility providers. Notice of the proposed road closing was sent to Hydro One Networks Inc., and Bell Canada. Each has responded that they do not have any easement requirements.
5. **Sale of Land** - Compliance with the Notice provisions of By-law 2007-12, will be deemed to be in compliance with the Notice provisions of this Municipality's Sale of Land procedures.

6. Execution of Documents - The Clerk is hereby authorized for or on behalf of the Municipality to execute, for the Municipal solicitor an "Acknowledgment and Direction" authorizing the Municipal solicitor to complete the Electronic Registration for any required Easements, and the subsequent transfer of title relating to the lands described in Schedule "A".
7. Clerk's Affidavit - There shall be attached to this By-law, as Schedule "B", an affidavit by the Clerk of this Corporation, setting out:
 - a) the procedures taken for the giving of Notice pursuant to By-law 2007-12;
 - b) the procedures taken for notice to Public Utilities and applicable Government Departments or Ministries, and;
 - c) confirmation that the Municipality's procedures taken are in compliance with its municipal by-laws and the provisions of section 31 (2) of the *Municipal Act, 2001* as amended.

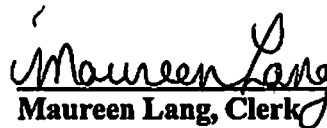
READ A FIRST and SECOND TIME on AUGUST 2ND, 2016 AND FINALLY PASSED THIS 16TH DAY OF AUGUST, 2016.

**THE CORPORATION
OF THE MUNICIPALITY
OF POWASSAN**



Peter McIsaac, Mayor

c/s



Maureen Lang, Clerk

Part of the road allowance between Concessions 14 & 15 designated as Part 3 on Plan 42R-20521, in the Municipality of Powassan, District of Party Sound.

SCHEDULE "A" BY-LAW 2016-26

SCHEDULE "B"

THIS IS SCHEDULE "B" TO BY-LAW 2016-26 FOR THE CORPORATION OF THE MUNICIPALITY OF POWASSAN.

CLERK'S AFFIDAVIT

I, Maureen Lang, Clerk of the Municipality of Powassan, make oath and say as follows:

1. This Deponent
I am the Clerk of the Corporation of the Municipality of Powassan and as such have knowledge of the facts hereinafter deposed to.
2. Publication and Posting
Pursuant to By-law 2007-12, I did cause notice of the proposed By-law by the Corporation to stop up, close and sell that parcel of land described in Schedule "A":
 - (a) Council Agenda
By listing the public meeting or the passage of the by-law on the Council agenda two weeks prior to the Council meeting at which the public meeting will be held or the by-law passed.
3. Copy of Notice
Attached to this my Affidavit as Exhibit "A" is a copy of the actual Notice as it appeared in Council's Agenda.
4. Additional Notification
Notice of the proposed road closing was sent to Hydro One Networks Inc. and Bell Canada.
5. Procedure
To the best of my knowledge the closing and selling procedures taken by this Municipality have been in accordance with the Municipality's Public Notice and Sale of Land procedures.
6. Public
The proposed by-law came before Council at its regular meeting on the 2nd day of August, 2016 and at that time, no person made any claim that the effect of the By-law would be to deprive them of the right of motor vehicle access to or from their land, and that all persons who applied to be heard, were heard.

7. Compliance Confirmed

That to the best of my knowledge and belief, the closing and selling procedures taken by this Municipality have been in compliance with the Municipality's by-laws.

SWORN before me at the)
Municipality of Powassan)
this the 16th day)
of August, 2016.)



Maureen Lang, Clerk

A Commissioner for taking Affidavits, etc.
Title: Clerk-Treasurer

This is Exhibit "A" to the Affidavit of
Maureen Lang, Clerk of the
Corporation of the Municipality of Powassan.

PUBLIC NOTICE

MUNICIPALITY OF POWASSAN

RE: Stop up and close part of the Road Allowance
between Concessions 14 & 15 designated as Part 3
on Plan 42R-20521, in the Municipality of Powassan,
District of Parry Sound.

TAKE NOTICE that the Council of the Corporation of the Municipality of Powassan
proposes to enact a by-law to stop up and close the following lands:

1. Description

Part of the Original Road Allowance between Concessions 14 & 15 designated as Part
3 on Plan 42R-20521, in the Municipality of Powassan, District of Parry Sound.

2. Council Consideration

AND TAKE FURTHER NOTICE THAT the proposed by-law will come before Council
of the Municipality of Powassan at its regular meeting at the Township offices at 466
Main St, Powassan, ON P0H 1Z0 on the 2 day of Aug, 2016 at the hour
of 7 o'clock in the (morning/evening).

3. Application to be Heard

AND TAKE FURTHER NOTICE THAT at that time Council will hear anyone in person,
or his/her counsel, solicitor or agent, who claims that his/her land will be prejudicially
affected by the by-law, and who applies to be heard.

4. Plan 42R-20521

Copies of this Plan are available for inspection at the Municipal offices.

DATED at the Municipality of Powassan, this the 5 day of July, 2016.

Maureen Lang, Clerk
466 Main Street
Powassan, Ontario
P0H 1Z0

This is Exhibit "A" mentioned and referred
to in the Affidavit of Maureen Lang
Sworn before me this 1 day of
Aug, 2016

Kindredy Bester
A Commissioner for Taking Affidavits, etc.

Title: Deputy Clerk

DATE OF COUNCIL MEETING	July 19/16
AGENDA ITEM #	12-1