

The Corporation Of The Township Of South Algonquin

BY-LAW NO. 08-303

(being a by-law to permanently close highways, being parts of the road allowances along the shores of Hay Lake and Lyell Lake)

Whereas:

1. By virtue of Subsection 34(1) of the Act, a municipality is empowered to permanently close a highway; and
2. The original allowances laid out in the original Crown surveys along the shores of Hay Lake and Lyell Lake are "highways" by virtue of Section 26 of the *Municipal Act*, 2001, S.O. 2001, c. 25 (the "Act"); and
3. The owners of the land abutting parts of the said original road allowances have applied to the Municipality to close them and sell them to the said owners; and
4. The parts of the shoreline road allowances described in Schedule "A" have been declared surplus to the requirements of the Municipality; and
5. The closure will not result in any person having no motor vehicle access to and from that person's land over any highway; and
6. Adequate and reasonable public notice of its intention to pass this By-Law was given by the Municipality, as required by Subsection 34(1) of the Act and in accordance with Section 251 of the Act; and
7. The parts of the road allowances closed by this By-Law are not covered with water and do 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 the Ministry of Natural Resources of Ontario or the Government of Canada to the passing of this by-law is not required by Subsection 34(6) or Section 43 respectively of the Act; and
8. It is desirable and in the interests of the Municipality that this by-law be passed;

Now Therefore the Council of The Corporation of the Township of South Algonquin enacts as follows:

1. That those parts of the road allowances along Hay Lake and Lyell Lake within the Municipality more particularly described in Schedule "A" hereto and forming part of this by-law be and the same and are hereby permanently closed as highways.

2. That those parts of the said road allowances described in Schedule "A" hereof be sold and conveyed to the owners of the land abutting same for the price of (\$2.00 per linear foot calculated along the high water mark) plus all survey, advertising, administrative, legal and other costs and expenses associated with the said closure, sale and conveyance.

3. That the Mayor and Clerk-Treasurer be and they are hereby authorized and directed to sign and to affix the seal of the Municipality to Transfer/Deeds to the said owners of the land abutting the road allowances permanently closed by this By-Law, and to authorize there registration 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.

READ a first and second time this day of , 2008

MAYOR

CLERK-TREASURER

READ a third time and passed this day of , 2008

MAYOR

CLERK-TREASURER

SCHEDULE " A "

Part of the Original Road Allowance along the shore of Hay Lake in the Geographic Township of Sabine in the Municipality of South Algonquin in the District of Nipissing, in the Province of Ontario.

<u>Applicant</u>	<u>Lying in front of</u>	<u>Abutting Property</u>	<u>Road Allowance Description</u>	
			<u>Part</u>	<u>Plan</u>
Tom Brooke	Lot 5 Concession 9	Lot 10 Plan 36M-329	1	36R-12263
Stephen Carr	Lot 5 Concession 8	Lot 4 Plan 36M-329	8	36R-10446

Parts of the Original Road Allowance along the shore of Lyell Lake in the Geographic Township of Lyell in the Municipality of South Algonquin in the District of Nipissing, in the Province of Ontario.

Peter Quail	Lot 17 Concession 3	Lot 24 Plan M-382	1	36R-12229
Robert Quail	Lot 17 Concession 3	Lot 25 Plan M-382	2	36R-12229