

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW NO. 2024-48

Being a By-law to declare to be surplus, stop up, close and sell:

Part of the Original Shore Road Allowance laid out along the shore of Mill Lake in front of Lot 24, in Concession 4, in the geographic Township of McDougall, now in the Municipality of McDougall, in the District of Parry Sound, designated as Part 8 on 42R20031 (ZWYGERS)

WHEREAS pursuant to Sections 8, 9, 11 and 35 of the Municipal Act, 2001 S.O. 2001, Chapter 25, (the "Act") The Corporation of the Municipality of McDougall is empowered to stop up and close any part of a highway over which it has jurisdiction;

AND WHEREAS pursuant to Sections 8, 9 and 11 of the said Municipal Act, 2001, ante, The Corporation of the Municipality of McDougall is empowered to sell any part of a highway that is legally stopped up and closed;

AND WHEREAS the Clerk of The Corporation of the Municipality of McDougall, did cause a Notice in the prescribed form of the proposed by-law to declare to be surplus, stop up and authorize the sale of that highway part described in this by-law ("the highway") to be published for four consecutive weeks on the municipal website, and to be posted on the bulletin board in the municipal offices;

AND WHEREAS the permanent closing of the highway will not result in any person being deprived of his, her or its sole means of motor vehicle access to and from the person's land over any highway;

AND WHEREAS Council has determined that the highway proposed to be closed is surplus to the needs of the Municipality and deems it expedient to sell the highway as closed to the abutting owner or owners;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL AS FOLLOWS:

1. This Council does hereby permanently stop up and close:

Part of the Original Shore Road Allowance laid out along the shore of Mill Lake, in front of Lot 24, in Concession 4, in the geographic Township of McDougall, now in the Municipality of McDougall, in the District of Parry Sound, designated as Part 8 on 42R20031.

2. This Council does hereby declare that the land comprised of the closed highway is surplus to the needs of the Municipality.
3. This Council does hereby authorize the sale of Part 8 On 42R20031 for the sum of \$3,750.00 subject to any easements that may be required by Bell Canada or Hydro One as Council in its discretion may determine, provided that any portion of the closed highway that is covered by water shall be retained by the Municipality.
4. The Mayor and Clerk are hereby authorized to execute all documents in connection with the closing of the highway and the subsequent transfer of title.

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW NO. 2024-48

Page 2

5. There shall be attached to this By-law as Schedule "A" an Affidavit of the Clerk to affirm that to the best of her knowledge and belief the requirements of the Act and municipal by-laws that apply to the stopping up and closing of highways and the giving of public notice thereof and of the Act and municipal by-laws that apply to the sale of municipal land and the giving of public notice thereof have been complied with.
6. Schedule "A" referred to above shall form part of this By-Law.
7. This By-law shall come into effect upon final passing.

READ a **FIRST** and **SECOND** time this 20th day of November, 2024.

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

Mayor

Clerk

READ a **THIRD** time, **PASSED, SIGNED** and **SEALED** this 20th day of November, 2024.

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

Mayor

Clerk

THE CORPORATION OF THE MUNICIPALITY OF MCDUGALL

BY-LAW NO. 2024-48

SCHEDULE "A"

PROVINCE OF ONTARIO) IN THE MATTER OF the stopping up,
DISTRICT OF PARRY SOUND) closing and selling of that part of the
MUNICIPALITY OF MCDUGALL) Original Shore Road Allowance laid out
) along the shore of Mill Lake, in front of
) Lot 24, in Concession 4, in the
) geographic Township of McDougall,
) now in the Municipality of McDougall,
) in the District of Parry Sound,
) designated as Part 8 on Plan
) 42R-20031.

TO WIT:

AFFIDAVIT

I, Lori West, of the Municipality of McDougall, in the District of Parry Sound, make oath and say as follows:

1. I am the Clerk of the Municipality of McDougall, and as such have knowledge of the facts herein deposed to.
2. Pursuant to a municipal by-law that prescribes methods and procedures for giving public notice, duly passed by the Council of the Corporation of the Municipality of McDougall pursuant to the provisions of the *Municipal Act*, I did cause there to be published on the municipal website and posted on the bulletin board in the municipal office, a Notice in the prescribed form of the proposed by-law to stop up, close and authorize the sale of:

Part of the Original Shore Road Allowance laid out along the shore of Mill Lake, in front of Lot 24, in Concession 4, in the geographic Township of McDougall, now in the Municipality of McDougall, in the District of Parry Sound, designated as Part 8 on 42R20031;

more particularly described in the attached Exhibit "A".

3. Attached to this Affidavit, as Exhibit "A" is a copy of the actual Notice as it appeared on the municipal website, and as it was posted on the bulletin board in the municipal office.
4. The first publication on the municipal website was on the 16th day of October, 2024, and it continued thereafter for four consecutive weeks, ending on the 13th day of November, 2024. The posting on the bulletin board in the municipal offices took place on the 16th day of October, 2024, and such Notices remained on the said sites for at least one calendar month prior to passage of By-law No. 2024-48 of the Corporation of the Municipality of McDougall.
5. Notice of the proposed road closing was sent to Bell Canada, Hydro One Networks Inc. and the Department of Public Works, and none of them has raised any objection or given any notice of any objection they have to the road closing.
6. The proposed By-law came before the Municipal Council for consideration at its regular meeting November 20, 2024, and at that time, Council considered all objections, if any, received regarding passage of the By-Law and it heard all persons in attendance before it claiming that he or she or it or his or her or its land would be prejudicially affected by the By-law and who applied to be heard.

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW NO. 2024-48

SCHEDULE "A"

Page 2

-
7. At a properly constituted meeting held on November 20th, 2024, Council read and Passed By-Law No. 2024-48 in open Council.
 8. To the best of my knowledge and belief the requirements of the *Municipal Act* and of a municipal by-law passed under the said *Act*, which apply to the stopping up, closing and sale of highways and the giving of public notice thereof have been complied with.

SWORN before me at the Municipality)
of McDougall, in the District of Parry)
Sound, this 20th day of November,)
2024.)

Lori West
Clerk

A Commissioner for Taking Oaths, etc.

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW NO. 2024-48

EXHIBIT "A"

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

PUBLIC NOTICE

TAKE NOTICE that the Council for the Corporation of the Municipality of McDougall proposes to enact a by-law to declare to be surplus and to stop up, close and sell part of an Original Shore Road Allowance set out and described as follows:

Part of the Original Shore Road Allowance laid out along the shore of Mill Lake in front of Part of Lot 24, in Concession 4, in the geographic Township of McDougall, now in the Municipality of McDougall, in the District of Parry Sound, designated as Part 8 on 42R-20031 received and deposited September 9, 2013, in the Land Registry Office for the Land Titles Division of Parry Sound.

The proposed By-Law will come before the said Council for consideration at its regular meeting to be held at the Municipal Council Chambers, in the Nobel Community Hall, in the Municipality of McDougall at 145 Hammel Avenue, McDougall, Ontario, P2A 2W9, on the 20th day of November, 2024 at the hour of 7:00 o'clock in the evening, and at that time, the Council will consider the comments, submitted in writing, of any person or by his, her or its Counsel, solicitor, or agent regarding any person who claims that his, her or its land will be prejudicially affected.

Written comments must be submitted to the person named below at the address indicated below by the 13th day of November, 2024 at 4:30 o'clock in the afternoon.

Dated at the Municipality of McDougall this 16th day of October, 2024.

Lori West, Clerk
Municipality of McDougall
5 Barager Blvd
McDougall, Ontario
P2A 2W9
lwest@mcdougall.ca

THIS IS EXHIBIT "A" MENTIONED AND REFERRED TO IN THE AFFIDAVIT OF LORI WEST, SWORN BEFORE ME THIS 20TH DAY OF NOVEMBER, 2024.

A Commissioner for Taking Oaths, etc.