

CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW #__-17

Being a By-Law to close and convey a portion of unopened municipal road allowance located between Concession 12 and 13 adjacent to Lot 21, Concession 12 and Lot 22, Concession 13 and designated Part 4 on Plan 42R-20702 upon the application of Robert Ritchie

WHEREAS the Applicant(s) have applied to the Corporation of the Township of Ryerson (hereinafter called "The Township") to have a portion of unopened municipal road allowance running adjacent to their property closed and conveyed to the registered owners of the land adjoining;

AND WHEREAS the Applicant(s) have retained an Ontario Land Surveyor to prepare and register the Reference Plan referred to herein depicting lands and the Applicant(s) are relying on the said surveyor's findings as to existence, location and extent of the former road which is the subject of this by-law,

AND WHEREAS the Township has the authority to establish highways under Section 31 and has jurisdiction and ownership of highways under its jurisdiction by virtue of sections 26, 28 and 30 of the Municipal Act, 2001, as amended;

AND WHEREAS the Township has authority to close and convey portions of highways to adjoining landowners by virtue of sections 34 and 268 of the Municipal Act, 2001, as amended;

AND WHEREAS the sale of closed road allowances to adjoining landowners is exempt from the requirement of an appraisal pursuant to section 268 (8) of the Municipal Act, 2001;

AND WHEREAS all of the notice and other requirements of section 34 of the Municipal Act, 2001 and the Township Notice By-law regarding the giving of notice have been satisfied;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RYERSON ENACTS AS FOLLOWS:

1. In this By-law the term "Subject Lands" means the lands described as such in the top portion of Schedule "A" attached to and forming part of this By-law and the term "Adjoining Lands" means the lands described as such in the lower portion of the same Schedule "A".
2. Subject to Section 8 of this By-Law below, and for the purpose of confirming the jurisdiction of the Township, the Subject Lands are hereby established as and assumed as a highway.
3. The highway described as the Subject Lands in Schedule "A" shall be and the same is hereby closed and stopped up for all purposes as a highway. The said lands are hereby declared "surplus" and not needed by the Township.
4. The Subject Lands described in Schedule "A" shall be sold and conveyed to the registered owner(s) of the Adjoining Lands as they appear on the Parcel Register or Abstract for said Adjoining Lands on the day the Transfer/Deed of Land is registered, subject to the terms and conditions set out in Section 5 and 7 of this By-Law.

5. Prior to completing the sale of land described in Schedule A (closed Road Allowance) the Applicant should:
 - (a) Transfer to the Corporation of the Township of Ryerson a good and marketable title to Part of Lot 22, Concession 13 designated as Parts 2 & 3 on Plan 42R-20702 free of encumbrances and dedicated as a public road at Applicant's expense.
 - (b) Ensure that adjoining lands to the north and south of Part 4 on Plan 42R-20702 are in the same names to ensure that the Planning Act will apply to restrict future separate dealing with all three properties.
6. The Reeve and Clerk are hereby authorized to execute the Transfer/Deed(s) of Land and such ancillary documents as the Township Solicitor may approve to complete the transactions(s) and to apply the seal of the Corporation thereto.
7. Prior to the registration of any Transfer/Deed, the Applicant shall:
 - (a) Pay to the Township the purchase price of the land which is hereby fixed at \$2,226.00 plus thirteen per cent of the said purchase price on account of the Harmonized Sales Tax.
 - (b) Pay to the Township the prescribed Township administration fee of \$250 and the estimated fees and disbursements of the Township's Solicitor for his services in preparing this By-Law and completing the transaction.
 - (c) Sign an Acknowledgement in the form acceptable to the Township's Solicitor acknowledging that:
 - Applicant(s) and Transferees are relying upon the surveyor hired by the Applicant(s) as to the existence, location and extent of that portion of the original road allowance being conveyed.
 - Applicant(s) have been advised that they should retain their own Solicitor to guarantee title. If the Applicant(s) choose not to do so and request that the Township cause its Solicitor to register the Transfer/Deed then they acknowledge such courtesy does not constitute a guarantee of title by the Township or its Solicitor.
8. Sections 2 and 3 of this By-law shall come into effect upon the registration of this By-law on title to the subject Lands (by Application for first registration or otherwise) by the Township Solicitor Robert J. van der Wijst. Registration of the By-law by the said Township Solicitor shall be conclusive proof that the conditions recited above and in Sections 5 and 7 of this By-Law have been satisfied.

Read a First, Second and Third time, signed and the Seal of the Corporation affixed thereto and finally passed in Council this _____ day of _____, 2017.

REEVE

CLERK

SCHEDULE "A" TO BY-LAW # ___-17

The Subject Lands to which this By-Law applies are described as:

Part of the unopened municipal road allowance located between Concession 12 and 13 adjacent to Lot 21, Concession 12 and Lot 22, Concession 13 and designated Part 4 on Plan 42R-20702

The Adjoining Lands mentioned in this By-Law are described as:

As regards the Northern portion (Part 1 on the reference plan referred to above), the adjoining lands are Concession 13, Part Lot 22 RP 42R-8549 Part 12; and

As regards the Southern portion, the adjoining lands are 99 Starratt Rd, Concession 12, Lot 21 PT PCL 17620 S/S

DRAFT