

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW # 24 -12

**BEING A BY-LAW TO CLOSE AND CONVEY A PORTION OF ORIGINAL ROAD ALLOWANCE
UPON THE APPLICATION OF STUART AND SUSAN McTAVISH**

WHEREAS the Applicant(s) have applied to the Corporation of the Township of Ryerson (hereinafter called "The Township") to have a portion of original road allowance in front of their property closed and conveyed to the registered owners of the land adjoining to the West being Lot 8 on Plan M-31;

AND WHEREAS the Applicant(s) have retained an Ontario Land Surveyor to prepare and register the Reference Plan referred to herein depicting lands said to be a portion of original road allowance reserved by the Crown in its original Patent of adjoining lands for purposes of a future highway, and both the Township and the Applicant(s) are relying upon the said surveyor's findings as to existence, location and extent of the original road allowance 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 Section 24 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 Section 3 of Township By-Law # 13-10 regarding the sale of lands by the Township;

AND WHEREAS the easterly one-half of the said lands were offered for sale at the same price they would be conveyed under this By-Law to the registered owner of Lot 7 on Plan M-31 as required by the Municipal Act and the said owner of Lot 7 on Plan M-31 declined to purchase them and consented to their sale to the owner of Lot 8 on the same plan;

AND WHEREAS all of the notice and other requirements of Section 34 of the Municipal Act, 2001, and Township By-Law # 6-08 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 "Closed Highway" means the lands described as such on Schedule "A" attached to and forming part of this By-Law. The term "Sold Lands" means the lands described as such on the same Schedule "A". The term "Adjoining Lands" means the lands described as such on the same Schedule "A".
2. Subject to Section 6 of this By-Law below, and for the purpose of confirming the jurisdiction of the Township, the lands described in Schedule "A" as the Closed Highway is hereby established as and assumed as a highway.
3. The highway described as the Closed Highway in Schedule "A" shall be and the same is hereby closed and stopped up for all purposes as a highway.

4. The Sold Lands described in Schedule "A" are hereby declared "surplus" and not needed by the Township and shall be sold and conveyed to the registered owner(s) of the Adjoining Lands as they appear on the PIN 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 of this By-Law immediately below. The Reeve and the Clerk, are hereby authorized to execute the Transfer/Deed of Land and such ancillary documents as the Township Solicitor may approve to complete the transaction and to apply the Seal of the Corporation thereto.
5. Prior to completing the sale the Township Solicitor shall cause to be registered on the title to the Sold Lands a restriction on transfer that the said lands cannot be sold or dealt with separate from Lot 8 on Plan M-31 without the written consent of the municipality or a severance consent under the Planning Act.
6. Prior to Registration of the Transfer/Deed, the Applicant shall:
 - (a) Pay to the Township the purchase price of the land which is hereby fixed at \$30,000 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 and the estimated fees and disbursements of the Township Solicitor for his services in preparing this By-Law and completing the transaction.
 - (c) Sign an acknowledgement in form acceptable to the Township 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 original shore 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 it's Solicitor to register the Transfer/Deed then they acknowledge such courtesy does not constitute a guarantee of title by the Township or its Solicitor.
7. 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 Section 5 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 THIS
 7TH DAY OF AUGUST, 2012.

Original Signed by Barbara Marlow

DEPUTY REEVE.

(SEAL)

Original signed by Judy Kosowan

CLERK.

SCHEDULE "A"

TO TOWNSHIP OF RYERSON BY-LAW NO. 24 -12

"Closed Highway" and Sold Lands":

Part of the road allowance between Part Lot 20 and 21, Concession 14 in the Township of Ryerson, designated as Parts 1 and 2 on Plan 42R-19685. PIN 52134-0477.

"Adjoining Lands" to which road allowance will be added:

Lot 8 on Plan 42M31 being PIN 52134-0209(LT).