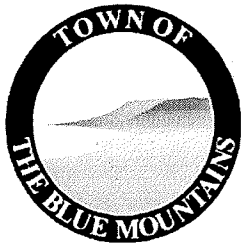


D.1

STAFF REPORT: Administration



REPORT TO: Council
MEETING DATE: October , 2007
REPORT NO.: A.07.28
SUBJECT: Close, Declare Surplus and Authorize Conveyance of a Highway (Easter Seals)
PREPARED BY: Stephen Keast, Clerk

A. Recommendations

THAT Council receive Staff Report A.07.28, "Close, Declare Surplus and Authorize Conveyance of a Highway (Easter Seals)";

AND THAT Council enact a By-law to permanently close, declare surplus to the needs of the municipality and authorize the sale and conveyance of a highway (part of Block D, Plan 529) to Georgian Sands Development Corporation being the successors in title of the Ontario Society for Crippled Children.

B. Background

Council of the Town of The Blue Mountains will consider a by-law that, if enacted, would permanently close and authorize conveyance of a portion of a highway portion described as part of Block "D", Plan 529, as shown on the attached Public Notice (the Highway).

The Highway was originally stopped up and closed by Township of Collingwood By-law 1967-19, however, approval of this by-law by the County of Grey, as was required by the Municipal Act at that time, was not obtained.

Township of Collingwood By-law 1981-24 then authorized the conveyance of the Highway to the Ontario Society for Crippled Children in exchange for land now forming Brophy's Lane north from Highway 26 and the Highway was then conveyed to the Ontario Society for Crippled Children in 1981.

The purpose of the proposed By-law is to ratify and confirm the permanent closing of the Highway and the conveyance of the Highway to the successors and assigns of the Ontario Society for Crippled Children.

The overall property is intended for sale and the proposed By-law would act to confirm ownership and title for clear conveyance. Should the property be developed it is anticipated that public benefits would result through the planning review and approval process.

C. The Blue Mountains' Strategic Plan

Goal Providing a strong, well-managed municipal government

D. Budget Impact

None, publication of notice costs routinely invoiced to applicant.

E. Attached

Public Meeting Notice, October 22, 2007, Consideration of a By-law
Draft By-law

Respectfully submitted,



Stephen Keast, Clerk



PUBLIC NOTICE

In accordance with the *Municipal Act, 2001*

CONSIDERATION OF A BY-LAW TO PERMANENTLY CLOSE AND SELL A PORTION OF A HIGHWAY

Please be advised that Council of the Town of The Blue Mountains will consider a by-law that, if enacted, would permanently close and authorize sale of a portion of a highway described as:

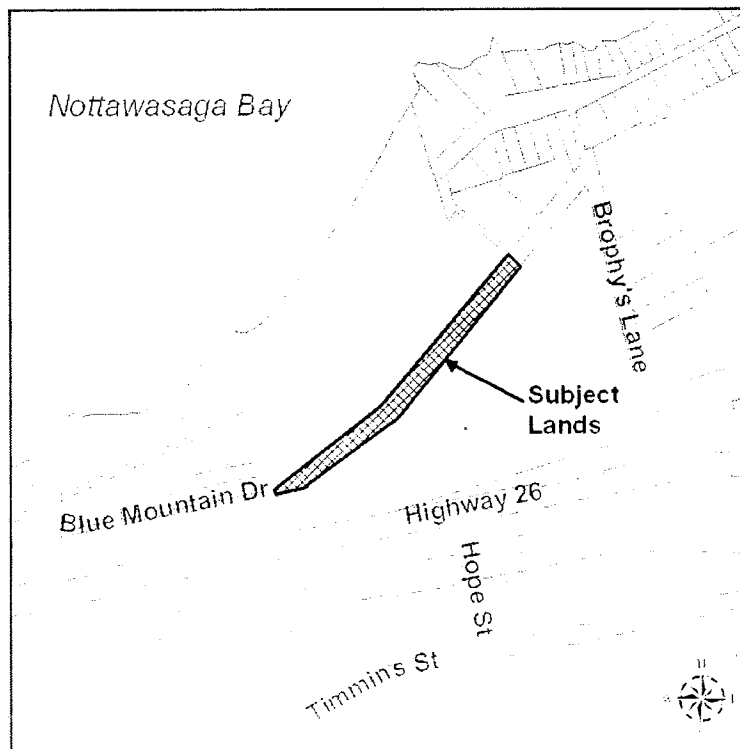
Part of Block "D", Plan 529, as shown on the attached sketch (the "Highway").

The Highway was originally stopped up and closed by Township of Collingwood By-law 1967-19, however, approval of this by-law by the County of Grey, as was required by the Municipal Act at that time, was not obtained. Township of Collingwood By-law 1981-24 then authorized the conveyance of the Highway to the Ontario Society for Crippled Children in exchange for land now forming Brophy's Lane and the Highway was then conveyed to the Ontario Society for Crippled Children in 1981.

The purpose of the by law which Council is considering is to ratify and confirm the permanent closing of the Highway and the conveyance of the Highway to the successors and assigns of the Ontario Society for Crippled Children.

Interested persons may forward correspondence to the Town or make presentations at a Public Meeting to be held October 22, 2007, 7:05 pm, L.E. Shore Memorial Library, Thornbury, Ontario.

Stephen Keast, Town Clerk, Town of The Blue Mountains
P.O. Box 310, 26 Bridge Street, Thornbury, ON N0H 2P0



**THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW NO. 2007 -

Being a by-law to permanently close, declare surplus to the needs of the municipality and authorize the sale of a highway (part of Block D, Plan 529)

WHEREAS By-law No. 67-19 of the Corporation of the Township of Collinwood (the "Township") registered in the Land Registry Office for the Land Registry Division of Grey No.16 (the "LRO") as Instrument No.205366 closed and stopped up part of a public highway described as that part of Block D, Plan 529 more particularly described in Schedule "A to this by-law (the "Highway");

AND WHEREAS By-law No. 81-19 of the Township registered in the LRO as Instrument No.205367 authorized the conveyance of the Highway to The Ontario Society for Crippled Children (the "Society") and the Highway was conveyed by the Township to the Society by Instrument No.206362 registered in the LRO;

AND WHEREAS the Society and its successors and assigns, including Georgian Sands Development Corporation, have occupied and been in possession of the Highway since September of 1981;

AND WHEREAS By-law 67-19 did not have any force because it was not confirmed by a by-law of the council of the Corporation of the County of Grey in accordance with the provisions subsection 259(6)(c) of the Municipal Act R.S.O. 1960 c 249, as amended;

AND WHEREAS the purpose of this by-law is to ratify and confirm the permanent closing of the Highway and authorize the conveyance of the Highway to Georgian Sands Development Corporation, the lawful successor of the Society to the title of the lands described in Instrument No.206362;

AND WHEREAS the Corporation of the Town of The Blue Mountains is the lawful successor to the Township;

WHEREAS sections 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c. 25* (the "Act"), enable a municipality to pass by-laws permanently closing highways and selling permanently closed highways;

AND WHEREAS Council did pass By-law No. 2003-09 pursuant to section 251 of the Act to prescribe the form and manner for the giving of public notice of by-laws which it proposes to enact and the requirements of section 251 of the Act and By-law No. 2003-09 have been complied with.

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT the Highway is hereby permanently closed and is hereby declared surplus to the needs of the municipality.
2. THAT the conveyance of the Highway to Georgian Sands Development Corporation, the lawful successor of the Society to the title of the lands described in Instrument No.206362, is hereby authorized and the Mayor and the Clerk are authorized to execute all documents necessary to complete this conveyance.
3. This By-law shall come into force and take effect upon the registration of a certified copy of this By-law in the LRO.

ENACTED and PASSED this 22nd day of October, 2007.

.....
Ellen Anderson, Mayor

.....
Stephen Keast, Clerk

SCHEDULE "A"
TO BY-LAW 2007-

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of The Blue Mountains (formerly the Township of Collingwood), County of Grey, and Province of Ontario and being composed of Part of Block "D" according to a plan registered in the Registry Office for the north riding of the said county as Number 529. The boundaries of which may be described as follows:

PREMISING that bearings herein are astronomic as derived from registered Plan 529.

COMMENCING at the Southerly angle of Lot 177, registered Plan 529.

THENCE South 39 degrees, 58 minutes West, along a Northerly limit of Block "D", a distance of 790.00 feet to an angle in the said limit.

THENCE South 54 degrees, 20 minutes West, continuing along said Northerly limit, a distance of 522.00 feet to a point in the Easterly limit of a lane, (as shown on Plan 529).

THENCE South 10 degrees, 24 minutes East along said Easterly limit, a distance of 20.00 feet to a point.

THENCE North 79 degrees, 36 minutes East, a distance of 129.91 feet to a point.

THENCE North 10 degrees, 24 minutes West, a distance of 8.33 feet to a point.

THENCE North 54 degrees, 20 minutes East, a distance of 417.82 feet to a point.

THENCE North 39 degrees, 58 minutes East, a distance of 798.32 feet to a point.

THENCE North 50 degrees, 02 minutes West, a distance of 66.00 feet to the Point of Commencement.

The herein described parcel is further shown outlined in red on a sketch attached to Instrument No. 206362.