

**STAFF REPORT:**

**REPORT TO:** Council

**MEETING DATE:** October 26, 2009

**REPORT NO.:** PL.09.113

**SUBJECT:** The Cedar Run Corporation –  
Land Exchange Agreement –  
Highway Closing By-law

**PREPARED BY:** John G. Metras  
Town Solicitor

**A. Recommendations**

THAT Council enact a by-law to permanently close the highways known as Indian Creek Drive, Commerce Drive and Georgian Court on Registered Plan 1035 and to authorize a conveyance of part of the closed highways to The Cedar Run Corporation.

**B. Background**

Town Council at its meeting of June 22, 2009 authorized the execution of a Land Exchange Agreement between The Cedar Run Corporation (CRC), the owner of the Thornbury Horse Park and the Town.

The Land Exchange Agreement provides for the closing of the highways known as Indian Creek Drive, Commerce Drive and Georgian Court on Registered Plan 1035 (the Highways) and a conveyance of a part of the closed Highways to CRC in exchange for a conveyance by CRC to the Town of lands for municipal purposes, including the realignment of Clark Street.

Attachment 1, which is Schedule "A to the Land Exchange Agreement, shows the location of the Highways and, in hatching, the lands to be conveyed to the Town...

The Clerk has given Public Notice of Council's consideration of the highway closing by-law in accordance with the provisions of Policy POL.COR.07.03.

**C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community
2. Addressing the Town's municipal infrastructure needs
3. Providing a strong, well managed municipal government.

**D. Budget Impact**

Town Staff and legal costs related to close the Highways and convey same to CRC.

**E. Attached**

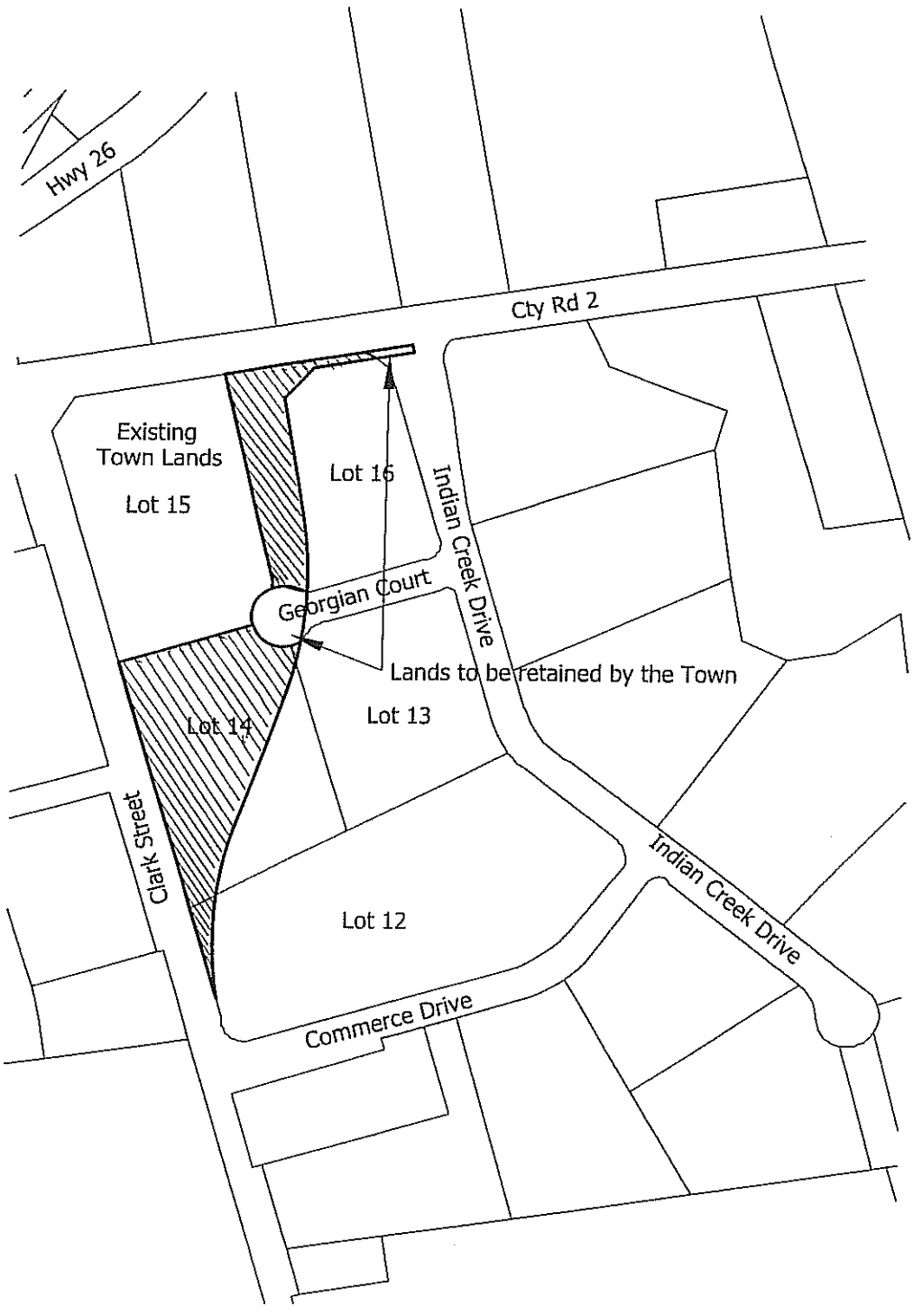
1. Copy of Schedule "A to the Land Exchange Agreement
- 2 Proposed highway closing by-law

Respectfully submitted,

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John G. Metras  
Town Solicitor

Schedule 'A'  
Land Exchange Agreement  
Cedar Run Corporation  
Registered Plan 1035



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

**BY-LAW NO. 2009 - \*\***

**Being a by-law to permanently close, declare surplus to the needs of the municipality and authorize the conveyance of highways on Registered Plan 1035**

**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 conveying permanently closed highways;

**AND WHEREAS** Council has deemed it to be in the public interest to permanently close and convey to The Cedar Run Corporation (herein called "CRC") the public highways described as Indian Creek Drive, Commerce Drive and Georgian Court shown on Registered Plan 1035, Town of The Blue Mountains (formerly Township of Collingwood), County of Grey (herein called the "Highways");

**AND WHEREAS** CRC and the Town entered into a Land Exchange agreement dated July 13, 2009 (the "Land Exchange Agreement") which provides for the conveyance to CRC of part of the permanently closed Highways in exchange for the conveyance to the Town of certain lands owned by CRC described in the Land Exchange Agreement as the CRC Transfer Lands;

**AND WHEREAS** Council did, in accordance with Section 270 of the Act, adopted Policy POL.COR.07.03 (the "Policy") to prescribe the form and manner for the giving of public notice of its intention to enact this by-law;

**AND WHEREAS** public notice of the intention to enact this by-law has been given in accordance with the requirements of the Policy.

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

1. THAT the Highways are hereby permanently closed and are hereby declared surplus to the needs of the municipality.
2. THAT the conveyance of a part of the permanently closes Highways to CRC in accordance with the provisions of the Land Exchange Agreement is hereby authorized and the Mayor and the Clerk are authorized to execute the conveyance to CRC and all other documents required to complete all of the transactions referred to in the Land Exchange Agreement.
3. This By-law shall come into force and take effect upon the registration of a certified copy of this By-law in the Land Registry Office for the Registry Division of Grey (#16).

ENACTED and PASSED this 26th day of October, 2009.

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Ellen Anderson, Mayor

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Stephen Keast, Clerk