

**Municipality of Boissevain-Morton**

**BY-LAW NO. 2020-08**

BEING A BY-LAW OF THE MUNICIPALITY OF BOISSEVAIN-MORTON to close a municipal road and authorize the sale of the closed road;

WHEREAS *The Municipal Act* provides, in part, as follows:

290(1) Subject to subsection (2), a municipality may close a municipal road by

- (a) passing a by-law closing the road;
- (b) [repealed 2018]
- (c) registering the approved by-law and a plan at the appropriate land titles office.

AND WHEREAS the following described municipal road is no longer required for public purposes and it is necessary and desirable and in the public interest that the road be closed;

AND WHEREAS the Municipality of Boissevain-Morton has entered into terms of Agreement with the adjacent landowner to transfer the closed portion of the municipal road on the terms and conditions as set forth herein;

NOW THEREFORE the council of the Municipality of Boissevain-Morton enacts as follows:

1. THAT all that portion of the municipal road shown as Parcel "A" on a Plan of Survey, being part of the NW ¼ 24-3-20 WPM, prepared by Steven Bradley Richmond, Manitoba Land Surveyor, certified by him on the 9<sup>th</sup> day of June, 2020 and on deposit with the Brandon Land Titles Office as Deposit No. 0137/20 (hereinafter referred to as "Parcel A-Egan Street") be and the same is hereby closed.
2. THAT, subject to paragraph 3 herein, all that portion of Parcel A-Egan Street so closed, EXCEPTING thereout all mines and minerals and other matters as reserved in the Crown Lands Act, shall be transferred to the registered owner of the adjacent land described as:
  - Lots 4 to 7, both inclusive
  - Block 33, Plan 413 BLTO (BO Div)
  - In NW ¼ 24-3-20 WPM.
3. THAT it is a precondition to the transfer of Parcel A-Egan Street to the registered owner of the adjacent land that:
  - a. The Municipality of Boissevain-Morton and the registered owner of the adjacent land enter into the terms of a Statutory Easement and Right of Way Agreement for the protection of the municipal storm sewer located on Parcel A-Egan Street, which Agreement is attached hereto and marked as Schedule "A"; and
  - b. The Statutory Easement and Right of Way Agreement will be registered in series with the Transfer of Land for Parcel A-Egan Street at the Land Titles Office, such that it registers as an encumbrance on the issuing title to the adjacent landowner; and
  - c. Parcel A-Egan Street shall also concurrently be consolidated with the existing title to the above noted adjacent land (Lots 4 to 7) by the adjacent landowner.
4. THAT the Chief Administrative Officer for the Municipality of Boissevain-Morton is hereby authorized and directed to do all acts and sign all documents required to effect the intent of this bylaw including but not limited to the execution of the Statutory Easement and Right of Way Agreement and the Transfer of Land for the title to Parcel A-Egan Street to the adjacent landowner as above noted.

DONE AND PASSED as a by-law of The Municipality of Boissevain-Morton in the Province of Manitoba this 17<sup>th</sup> of January, A.D., 2021.

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Head of Council

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Chief Administrative Officer

Read a first time this 26<sup>th</sup> of November, A.D., 2020.

Read a second time this 17<sup>th</sup> of January, A.D., 2021.

Read a third time this 17<sup>th</sup> of January, A.D., 2021.