

The Corporation of the County of Peterborough

By-law No. 2010 – 19

A By-law to Stop up, To Close and to Sell to The Corporation of the City of Peterborough Those Lands and Premises more particularly described as Part 2 on Reference Plan 45R-14919, dated February 24, 2010 prepared by Beninger Surveying Ltd. and known as a portion of Airport Road (County Road 11), in the Geographic Township of North Monaghan, Township of Cavan Monaghan, County of Peterborough

Whereas Section 34 of the Municipal Act, S.O. 2001, C. 25 provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

And Whereas at the County Council Meeting of February 17, 2010, County Council passed Resolution No. 20-2010 as set out below:

“At the request of the City of Peterborough and in recognition of the importance of the airport expansion project to the long term economic health of the region, the County deems it appropriate to stop up, to close, and to sell to the abutting landowner, the portion of Airport Road in the vicinity of the runway expansion namely Part 2 on a draft reference plan dated February 17th, 2010 prepared by Beninger Surveying Ltd. and further that the Clerk be instructed to take the necessary action prescribed by the Municipal Act and County policies to effect the foregoing.”.

And Whereas it is deemed expedient in the interests of the Corporation of the County of Peterborough that those lands and premises more particularly described in Schedule “A” attached hereto be closed, stopped up and transferred;

And Whereas notice of the intention of County Council to pass this by-law has been published once a week for three successive weeks in the Peterborough Examiner, a newspaper circulated in the County of Peterborough as required by County By-law No. 83-2002, being a by-law to prescribe the form and manner and times for the provision of notice;

And Whereas notice of the intention of County Council to pass this by-law was mailed to the landowners residing on Airport Road and a copy of the Notice was posted at the Municipal offices of the Township of Cavan Monaghan and the Notice was posted to the County of Peterborough’s website;

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And Whereas Peterborough County Council held a Public Meeting on the 17th day of March, 2010 to hear those persons who registered to be heard claiming that his or her lands may be prejudicially affected by the by-law;

And Whereas at the aforesaid Public Meeting, letters from those who were unable to attend the Public Meeting were entered into the record of the Public Meeting;

And Whereas no person will be deprived of the means of ingress or egress to and from his lands or place of residence;

And Whereas the County has declared Part 2 on Plan 45R-14919 to be surplus;

And Whereas the Municipal Act, S.O. 2001, c. 25, s. 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And Whereas the Municipal Act, S.O. 2001, c. 25, s. 8(1) further provides that section 8 shall be interpreted broadly so as to confer broad authority on municipalities,

- (a) to enable them to govern their affairs as they consider appropriate; and
- (b) to enhance their ability to respond to municipal issues.

Now Therefore the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows:

1. That upon and after the passing of this by-law, all those lands and premises more particularly described in Schedule "A" annexed hereto be and the same are hereby stopped up and closed.
2. That those lands and premises more particularly described in Schedule "A" hereto and stopped up and closed shall be transferred to the Corporation of the City of Peterborough.
3. That the Warden and the Clerk be and are hereby authorized to execute such documentation that may be necessary to effect the conveyance or conveyances of those lands and premises more particularly described in Schedule "A" annexed hereto and which have been stopped up and closed.

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Schedule "A"

Part of Lot 6 and Part of Lot 7, Concession 8, and part of the road allowance between Lots 6 and 7, Concession 8, Geographic Township of North Monaghan, now in the Township of Cavan Monaghan, designated as Part 2 on Plan 45R-14919, and being part of PIN 28032-0096 (LT).