



# SHERMAN MINE

P.O. BOX 217, TEMAGAMI, ONTARIO POH 2H0

TWX 6103383355 TELEX 067-82550

TELEPHONE AREA (705) 569-3611

July 17, 1981

The Corporation of the Township of Temagami,  
P.O. Box 218,  
Temagami, Ontario  
POH 2H0

Attention: Mr. L. J. McAnulty, Clerk-Treasurer

Dear Mr. McAnulty:

Re: Sherman Mine Security Fence - Closure of Road Allowances

I confirm that the Sherman Mine, in consideration of Township closing certain unopen municipal road allowances as set out in my letter of June 26, 1981, is willing to enter into a written agreement whereby Sherman Mine would undertake to recover the lands in question to the Township for the sum of one dollar (\$1.00) following cessation of mining operations in the East Pit.

Yours very truly,

Bruce W. Taylor, P. Eng.  
Mine Manager

ee

cc: R. A. Rouleau  
S. F. Bartie  
M. W. Nihill  
R. F. Grant

no

TO BE CLOSED

0. AA.

## TOWNSHIP OF TEMAGAMI

NOTICE OF PROPOSED BY-LAW: Take notice that the council of the Corporation of the Township of Temagami will consider and, if approved, will pass and enact at its meeting to be held on the 13th day of August, 1981 at the hour of 7:00 o'clock in the afternoon at the Municipal Office, Temagami, a by-law for the closing and stopping up of

1. that part of First Avenue lying west of the westerly limit of Highway #11.
2. that part of Second Avenue lying west of a line between the northwest corner of lot 91 and the southwest corner of lot 52, plan M-66.
3. that part of Fourth Street lying north of a line between the southeast corner of lot 126 and the southwest corner of lot 127, plan M-66 •
4. that part of Third Avenue lying west of a line between the northwest corner of lot 184 and the southwest corner of lot 125, plan M-66.
5. that part of the laneway between First and Second Avenues lying west of a line between the northwest corner of lot 55 and the southwest corner of lot 16, plan M-66.
6. that part of the laneway between Second and Third Avenues lying west of a line between the northwest corner of lot 129 and the southwest corner of lot 90, plan M-66.
7. that part of the laneway between Third and Fourth Avenues lying west of a line between the northwest corner of lot 249 and the southwest corner of lot 184, plan M-66.

AND FURTHER TAKE NOTICE that a plan of the above described, may be examined at the office of the clerk at the Municipal Offices, Temagami, Ontario.

AND FURTHER TAKE NOTICE that council will at the said meeting, hear any person who claims his or her land will be prejudicially affected by the by-law who has applied to be heard.

DATED this 20th day of July, 1981.

Len McAnulty,  
Clerk Treasurer of the Township of Temagami

BY-LAW NO. '4-^.

To close and stop up part of the original  
road allowance in Lot in Concession  
of

WHEREAS it is deemed expedient in the interest of the Municipal  
Corporation of \_\_\_\_\_ of \_\_\_\_\_, hereinafter called the  
Corporation, that the original unopened road allowance set out  
and described in Schedule "A" attached hereto be closed and  
stopped up; and the land sold to the adjoining land owners;  
AND WHEREAS notice of this By-law has been published once a week  
for four consecutive weeks in the \_\_\_\_\_, a Newspaper published

in the \_\_\_\_\_ of \_\_\_\_\_ 7 \_\_\_\_\_ F

AND WHEREAS notice of this has been posted up for at least one  
month, in six of the most public places in the immediate neigh-  
bourhood of the said unopened road allowance;

AND WHEREAS the Council for the said Corporation has heard in  
person or by his counsel, solicitor or agent, all persons claiming  
that their land will be prejudicially affected by this By-law and  
who applied to the heard.

NOW THEREFORE, the Council of the \_\_\_\_\_ of \_\_\_\_\_  
enacts as follows:

1. That upon and after the passing of this By-law all that  
portion of the 66 foot allowance for road set out and described  
in Schedule "A" attached hereto, be and the same is hereby closed  
and stopped up.
2. All that part of the said unopened road allowance herein  
before described and stopped up shall be sold to the adjoining  
owner or owners or any of them.
3. The \_\_\_\_\_ and Clerk of the Corporation of the \_\_\_\_\_ of \_\_\_\_\_  
are hereby authorized to sign or execute such deeds  
or other documents as may be necessary to effect conveyance of  
that part of the said unopened road allowance herein before  
described and which has been stopped up and closed.

Passed .....

\_\_\_\_\_  
Reeve or Mayor

\_\_\_\_\_  
Clerk



THE CORPORATION OF THE TOWNSHIP OF TEMAGAMI

BY-LAW NO. 81-58

Being a by-law to close up and stop certain streets and lanes

WHEREAS The Council of the Township of Temagami pursuant to the provisions of the Municipal Act 1970 and Amendments has the authority to pass by-laws to stop-up and close streets and lanes within the Township of Temagami

AND WHEREAS notice of intention to pass this by-law was published once a week for at least four successive weeks in the Temniskaming Speaker and was also posted up for at least one month in six of the most public places in the immediate neighbourhood of the streets and lanes hereby affected in accordance with the provisions of the Municipal Act., R.S.O. 1970, Chapter 284.

AND WHEREAS The Council of the Corporation of the Township of Temagami has made provision for and has heard in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by this by-law and has applied to be heard.

NCW THEREFORE The Council of the Corporation of the Township of Temagamim ENACTS AS FOLLOWS:

1. THAT the surface rights of all or parts of the streets and lanes as described in Schedule "A" hereto attached and forming part of this by-law, lying and being within the Corporation of the Township of Temagammi, be and the same are hereby stopped up and closed.

READ a first, second and third time

This 13th day of August 1981.

Reeve

Clerk-Treasurer

*resolution 82-36  
amending description*

APPENDIX 2

THE MUNICIPAL CORPORATION OF THE

OF

BY-LAW NO.

To close and stop up part of the original  
road allowance in Lot in Concession  
of

WHEREAS it is deemed expedient in the interest of the Municipal Corporation of \_\_\_\_\_ of \_\_\_\_\_, hereinafter called the Corporation, that the original unopened road allowance set out and described in Schedule "A" attached hereto be closed and stopped up; and the land sold to the adjoining land owners;  
AND WHEREAS notice of this By-law has been published once a week for four consecutive weeks in the \_\_\_\_\_, a Newspaper published in the \_\_\_\_\_ of \_\_\_\_\_;

AND WHEREAS notice of this has been posted up for at least one month, in six of the most public places in the immediate neighbourhood of the said unopened road allowance;

AND WHEREAS the Council for the said Corporation has heard in person or by his counsel, solicitor or agent, all persons claiming that their land will be prejudicially affected by this By-law and who applied to the heard.

NOW THEREFORE, the Council of the \_\_\_\_\_ of \_\_\_\_\_ enacts as follows:

1. That upon and after the passing of this By-law all that portion of the 66 foot allowance for road set out and described in Schedule "A" attached hereto, be and the same is hereby closed and stopped up.
2. All that part of the said unopened road allowance herein before described and stopped up shall be sold to the adjoining owner or owners or any of them.
3. The \_\_\_\_\_ and Clerk of the Corporation of the \_\_\_\_\_ of \_\_\_\_\_ are hereby authorized to sign or execute such deeds or other documents as may be necessary to effect conveyance of that part of the said unopened road allowance herein before described and which has been stopped up and closed.

Passed .....

\_\_\_\_\_  
Reeve or Mayor

\_\_\_\_\_  
Clerk

WHEREAS the Council of the Corporation of the Township of Temagami pursuant to the provisions of The Municipal Act RSO 1970 and amendments has the authority to pass by-laws to stop-up and close highways within the Corporation of the Township of Temagami.

AND WHEREAS The Council of the Corporation of the Township of Temagami is desirous of stopping up and closing certain streets and lanes as described in Schedule "A" part of the surracerights of tljs-htghway more gax^icularly described in Schedule "A: hereto annexed. *See \* attached*

AND WHEREAS notice of intention to pass this by-law was published once a week for at least four successive weeks in the Temiskaming Speaker and was also posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway hereby affected in accordance with the provisions of The Municipal Act., R.S.O. 1970, Chapter 2S4.

AND WHEREAS The Council of the Corporation of the Township of Temagami has made provision for and has heard in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by this by-law and has applied to be heard.

NOW THEREFORE The Council of the Corporation of the Township of Temagami ENACTS AS 'FOLLOWS:

1.- That *the surface-^rijjF^* of all ~~that~~ *or* part of the *^hs^jfay* *is described in Schedule "A" hereto attached* ~~more parti cularly dooeri>bed^ia..Schedule JfA->~~ hereto-eimexed and forming part of this by-law, lying and being within the Corporation of the Township of Temagami, be and the same is hereby stopped up and closed. *\* streets & lanes*

READ a fiz^t, second and third time  
this-Kith day of June\* 1977• *June 1981*

*[Signature]*  
Reeve

*[Signature]*  
CleSic-treasurer

Certified true copy of our By-law No. 77-11

*[Signature]*  
Clerk-Treasurer

77-11

## APPENDIX 3

CORPORATION OF THE ..... OF .....

## PUBLIC NOTICE

TAKE NOTICE that the Council of the Municipal Corporation of the ..... of ..... proposed to enact By-laws to stop up, close (and lease) ( and sell or lease) that part of the original allowance for road set out and described as follows:

The proposed By-laws will come before the said  
Council for consideration at its regular meeting at  
.....Office, in the ..... of .....  
on the ..... day of ..... 19 .., at the  
hour of ..... o'clock ..... and at that time,  
the Council will hear any person or by his counsel,  
Solicitor or agent, any person who claims that his land <sup>r</sup>  
will be prejudicially affected and who applies to be heard.

DATED:

Clerk of the Corporation of the

..... of.....



## CLOSING TOWNSHIP ROAD ALLOWANCE

To close a township road allowance it is necessary to -

1. Publish notice of the proposed by-law to stop up the allowance once a week for four successive weeks, and to post up notices for at least one month in six of the most public places in the immediate neighbourhood of the road allowance, (M.A. 446(1) (a)
2. The council must hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected, (M.A. 446 (1) (b)
3. If the effect of the stopping-up will be to deprive any person of access to his property the by-law may not be passed until such person consents to the passing of the by-law or until, in addition to making compensation to such person, another convenient road or way of access is provided, (M.A. 444)
4. Properly pass the by-law (M.A. 443(1) (a) & (c)
5. In the case of a township in unorganized territory, apply to the judge of the district court to have the by-law approved (M.A. 443(6) (a)
6. Register copy of by-law in local registry office unless land is under The Land Titles system (M.A. 443(9)
7. "A by-law passed under clause b of subsection 1 in respect of altering or diverting any highway or part of a highway or under clause c of subsection 1 does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March 1946, until it has been approved by the Minister (of Housing)." (M.A. 443 (8)

## ROAD ALLOWANCES

Section 399

What consists of public highways

"Except in so far as they have been stopped up according to law, all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways." R.S.O. 1970, c.284, s.399

Section 400 (1)

Responsibility for roads

"Unless otherwise expressly provided, the soil and freehold of every highway is vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under this or any other Act."

Section 443(1)

Authority to stop-up and sell roads

"The council of every municipality may pass by-laws,

- (a) for establishing and laying out highways;
- (b) for widening, altering or diverting any highway or part of a highway;
- (c) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time;
- (d) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway;
- (e) for setting apart and laying out such parts as may be considered expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (f) for permitting subways for cattle under and bridges for cattle over any highway;
- (g) for acquiring land or an interest in land at street intersections for the purpose of rounding corners."

Section 443(3)

Approval of Minister of Housing required to stop-up and sell waterfront road allowances

\*

"A by-law passed under clause b of subsection 1 for altering or diverting any highway or part of a highway or under clause c or d of subsection 1 in respect of an allowance for road reserved in the original survey,

- (a) along the bank of any river, stream or other water;

- (b) along or on the shore of any lake or other water;
- (c) leading to the bank of any river or stream; or
- (d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Minister until such approval or confirmation has been obtained, provided that the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years." 1973, c.83, s.9.

Note that Ministry of Housing officials discourage sale of waterfront road allowances. However, they may allow leasing of such public properties.

#### Section 446(1)

#### Publication of Proposed By-Law

"Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

- (a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or of a township with a population of less than 40,000 shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and
- (b) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

#### Section 446(2)

The clerk shall give the notices upon payment by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing." R.S.O. 1970, c.284, s.446.

#### Section 447

#### Dispensing with Publication of By-Law

"Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation section 446 does not apply to the by-law." R.S.O. 1970, c.284, s.447.



Section 461(1)

Sale of Original Road Allowance

"Where a "highway for tire site of which compensation was paid is established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway is legally stopped up, if the council determines to sell such original allowance or such stopped-up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land that abuts on it has the right to purchase the soil and freehold of it at that price.

Section 461(2) Where there are more owners than one, each has the right to purchase that part of it upon which his land abuts to the middle line of the stopped up highway."

Section 461(3)

Sale to other persons

"If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part, that he has the right to purchase to any other person at the same or a greater price." R.S.O. 1970, c.284, s.461.

Note on Pending Policies:

Ministry of Natural Resources is presently considering a scheme for land use permits for shoreline road allowances. Owners of abutting property may receive a permit on an annual basis or for the length of time a person is in residence on the abutting property.