

BY-LAW NO. 79/1384 ✓

of The Town of Carman

BEING a By-Law of the Town of Carman for Closing a Highway, pursuant to S 209 of the Municipal Act.

WHEREAS S 209 of The Municipal Act provides, in part, as follows:

(1) Subject to subsections (2), (3) and (4), the Council of a Municipality may pass by-laws
c) for closing any highway; or
d) for selling and conveying to any person, or vesting in the municipality the title to, the land upon which is situated any highway that has been closed:

AND WHEREAS the following described highway is no longer required for public purposes and it is desirable and expedient and in the public interest that the same be closed:

NOW THEREFORE BE IT AND IT IS HEREBY PASSED AND ENACTED AS A BY-LAW OF THE TOWN OF CARMAN, IN COUNCIL DULY ASSEMBLED, AS FOLLOWS:

All those portions of South Railway Street (now Centre Avenue West) and Browning Street (now Second Street Southwest: as the same are shewn on a Plan of Survey of part of the Southeast Quarter of Section Twenty-five (25), in the Sixth Township (6) and Fifth Range (5), West of the Principal Meridian, in Manitoba, registered in the Morden Land Titles Office as No. 32, as shewn bordered green on a Plan of Survey made by Wilson and Neal, Manitoba Land Surveyors on the 23rd day of November, A.D. 1978 and sworn to by him on the 23rd day of November, A.D. 1978.

be and the same is hereby closed.

2. THAT all that portion of the public highway so closed shall be transferred to Green Hotels Ltd., excepting thereout all Mines and Minerals, title to which shall remain in the Crown.


3. THAT subsequent to the said transfer a Caveat is to be filed to protect an Agreement of Sale between the Town of Carman and Green Hotels Ltd., whereby the said property is to be sold to Green Hotels Ltd., on the condition that should the hotel located on said property be destroyed or the need for the encroachment cease, it shall be rebuilt, if at all, within the original boundaries of the property and the land closed and transferred herein shall be transferred back to the Town of Carman for \$ 1.00, the costs of said re-transfer to be paid by Green Hotels Ltd.

4. THAT all the costs of this road closing and transfer shall be paid by Green Hotels Ltd.

5. THAT the proper officers of the Town of Carman are hereby authorized and directed to do all acts and execute all documents required for the purpose of implementing the said transfer.

PASSED AND ENACTED by the Town of Carman, in Council duly assembled this 22nd day of March A.D. 1979.

FIRST READING this	8th	day of February	A.D. 1979
SECOND READING this	22nd	day of March	A.D. 1979
THIRD READING this	22nd	day of March	A.D. 1979




Mayor



Secretary-Treasurer

CERTIFIED to be a true copy of a By-law numbered 79/1384, passed by the Council of the Town of Carman, on the 22nd day of March, A.D. 1979.



Secretary-Treasurer, Bruce Lyle

A F F I D A V I T

TOWN OF CARMAN

IN THE MATTER OF By-law No. 79/1384 of the Town of Carman, I, Bruce Lyle of the Town of Carman, in the Province of Manitoba, Secretary-Treasurer, do solemnly declare as follows:

(1) THAT I am the Secretary-Treasurer of the Town of Carman, in the Province of Manitoba, and as such have knowledge of the facts herein deposed to.

(2) THAT, pursuant to the provisions of subsection (2) of Section 622 of The Municipal Act, I caused to be published in the Valley Leader on the 14th day of February, 1979, and on the 21st day of February, 1979, public notice of Council's intention to consider, and, if deemed advisable, to pass said By-law No. 79/1384, and that I did also cause to be posted up copies of the said notice; the tear sheets attached hereto containing the said notice are Exhibits I and II, respectively, of this my declaration as evidence of such publication.

(3) THAT the Council of the Town of Carman did sit on the day and at the place and time stated in the said public notice of hearing, and

(a) no representations or petitions with respect to the proposed improvement were heard, or received.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED before me at The Town of Carman, Manitoba, this 4th day of May, A.D. 1979.



(A Commissioner for Oaths, SECY.-TREAS.
RURAL MUNICIPALITY OF DUFFERIN
Notary Public, etc.)

