

TOWN OF ALTONA
BY-LAW NO. 1790/2020

Being a by-law of the Town of Altona for closing certain lands taken for a public reserve and opening such lands as a public lane.

WHEREAS Sections 139(1) of The Planning Act, C.C.S.M. c. P80, provides as follows:

Closing public reserve land

139(1) Subject to subsection (2), a municipality may close public reserve land by

- (a) passing a by-law to close the public reserve land;*
- (b) obtaining written approval of the by-law from the minister; and*
- (c) registering the approved by-law and, if required by a district registrar, a plan in the appropriate land titles office.*

AND WHEREAS Sections 139(2) of The Planning Act, C.C.S.M. c. P80, provides as follows:

Notice and hearing of public reserve closing

139(2) Before giving second reading to a by-law to close public reserve land, the council must

- (a) hold a public hearing to receive representations from any person on the proposed by-law; and*
- (b) give notice of the hearing in accordance with section 169.*

AND WHEREAS Section 254(1) of The Municipal Act, C.C.S.M. Cap. M225, provides, as follows:

Expropriation for municipal purpose

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254(1) A municipality may, by expropriation in accordance with The Expropriation Act, acquire land and improvements that the council considers necessary or advisable to acquire for a municipal purpose.

AND WHEREAS Section 289 of The Municipal Act, C.C.S.M. Cap. M225, provides, as follows:

Opening a municipal road

289 A municipality may open land for public use as a municipal road by:

- (a) passing a by-law opening the road; and*
- (b) registering the by-law and a plan at the appropriate land titles office.*

AND WHEREAS Council of the Town of Altona deems it desirable, expedient, and in the public interest to a close portion of a Public Reserve located within its boundaries, as more particularly described below, and that a public lane be opened over, upon, and across such lands;

NOW THEREFORE be it and it is hereby passed and enacted as a by-law of the Town of Altona, in council duly assembled, as follows:

1. That the lands described as follows:

All that portion of Public Reserve, Plan No. 53289 MLTO contained within the limits of a Plan of Public Lane prepared by Albert Gerhard Degner, of the City of Winnipeg, Manitoba Land Surveyor, and sworn to by him on the 23rd day of November, 2020, Plan No. _____ (Deposit 1352/2020) MLTO in the NW ¼ Section 8 Township 2 Range 1 WPM;

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be and the same is hereby closed as a public reserve.

2. That the lands described as follows:

All that portion of Public Reserve, Plan No. 53289 MLTO taken for a Public Lane on a plan prepared by Albert Gerhard Degner, of the City of Winnipeg, Manitoba, Land Surveyor, and sworn to by him on the 23rd day of November, 2020, Plan No. _____ (Deposit 1352/2020) MLTO in the NW ¼ Section 8 Township 2 Range 1 WPM;

is expropriated and the Mayor and the Chief Administrative Officer are authorized and directed to do all things and sign all documents and attach the seal of the Town to all documents required to implement the expropriation.

3. That a public lane is opened and established over, upon, and across the land described in paragraph 2.

4. That the Mayor and Chief Administrative Officer be and they are hereby authorized and directed to do all acts and execute all documents, and attach the seal of the Municipality to all documents required to implement this by-law.

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PASSED AND ENACTED by the Town of Altona, in council duly assembled, this _____ day of _____, 2021.

TOWN OF ALTONA

Mayor

Chief Administrative Officer

Read a 1st time this 8th day of December, 2020

Read a 2nd time this _____th day of _____, 2021

Read a 3rd time this _____th day of _____, 2021