

BY-LAW NO. ...279...

A By-law of the Rural Municipality of Morris, a Municipal Corporation of the Province of Manitoba, made in triplicate, for the purpose of closing part of a certain road allowance and conveying the same.

WHEREAS it is provided by Section 467 of "The Municipal Act" - Cap. 141 R.S.M., and Amendments thereto, that every Municipal Corporation may pass by-laws for opening, establishing, making, preserving, maintaining, improving, repairing, widening, enlarging, altering, diverting, or closing highways within its jurisdiction, and for carrying out other measures as set out in the said Section.

AND WHEREAS it is necessary to provide and authorize the closing of:

All that portion of the two mile road lying West of Lot 353, in the Parish of Ste. Agathe, in Manitoba, according to the Special Survey of said Parish registered in the Winnipeg Land Titles Office as No. 3599; which lies between two lines drawn parallel with, and perpendicularly distant 49.5 feet on opposite sides of the centre line of the Northern Pacific and Manitoba Railway, as said centre line is shown on a plan filed in the said office as No. 362.

and to authorize a conveyance of the said road allowance to be executed by the Rural Municipality of Morris as Transferor to Canadian National Railway Company as Transferee, for and in consideration of the sum of One Dollar (\$1.00).

AND WHEREAS pursuant to the provisions of Section 471 of "The Municipal Act", a notice of this proposed by-law has been published at least once a week for four (4) successive weeks in the **Morris Herald**, a newspaper published in the Town of **Altona**, in the said Province, having a circulation within the limits of the Rural Municipality of Morris in which the lands are situated and such publication being prior to the date of the passing of this

by-law, the date of the first publication being the 10th day of April A.D. 1952, and the date of the last publication being the 1st day of May A.D. 1952.

AND WHEREAS similar notices have been posted up for at least one (1) month prior to the passing of this by-law, in six (6) of the most public places in the immediate neighborhood of such road allowance, the said notices having been posted on the 7th day of April A.D. 1952.

AND WHEREAS the road allowance hereinbefore referred to is within the limits of the Rural Municipality of Morris.

AND WHEREAS the publication of the notices above referred to covers the closing of the above mentioned road allowance.

AND WHEREAS at the meeting of the Council of the said Municipality on the 9th day of May A.D.

1952, no person personally or by agent appeared at the said meeting claiming that his land will be prejudicially affected by the passing of this By-law.

AND WHEREAS the said Council has resolved to pass this By-law.

NOW THEREFORE the Municipal Corporation of the Rural Municipality of Morris in Council assembled enacts as follows:-

1. That that portion of the road allowance described in the preamble of this By-law is hereby declared to be closed forever.
2. That the Rural Municipality of Morris sell and convey to Canadian National Railway Company this closed portion of the road allowance.
3. That this By-law shall come into force and take effect on the date that the Honourable Municipal Commissioner for the

Province of Manitoba approves of the passing of this said
By-law No. ...779...

DONE AND PASSED in Council assembled at the Town of
Morris, in the Province of Manitoba, this 9th day of
May A.D. 1952.

B MacKenzie Reeve.
J. L. Pottinger Secretary-Treasurer.

I HEREBY CERTIFY that the foregoing is a duplicate
and triplicate original of By-law No. .779. of the Rural
Municipality of Morris, a Municipal Corporation of the Province
of Manitoba.

Given under my hand and the Corporate Seal of the
Rural Municipality of Morris, this 9th day of
May A.D. 1952.

J. L. Pottinger
Secretary-Treasurer of the
Rural Municipality of Morris.

Approved under Section 473 of
"The Municipal Act", the 2nd
day of July A.D. 1952.

[Signature]
Municipal Commissioner for the Province
of Manitoba.

C A N A D A)
 PROVINCE OF MANITOBA)
 TO WIT:)
 IN THE MATTER OF the closing of all that
 portion of the Two-mile road lying West
 of Lot 353, Parish of Ste. Agathe, in the
 Province of Manitoba, Plan 3599, which lies
 within the Right of Way of the Northern
 Pacific and Manitoba Railway, as shown on
 Plan No. 362.

I, JAMES L. POTTINGER, of the Town of Morris, in the
 Province of Manitoba, Secretary Treasurer, make oath and say:-

1. That I am the Secretary-Treasurer of the Rural Municipality of Morris and as such have knowledge of the facts herein deposed to.
2. That on the 9th day of May, 1952, a By-Law was duly passed, being By-law No. 779, at a duly called meeting of the Council of the Rural Municipality of Morris closing "all that portion of the two-mile road lying West of Lot 353, in the Parish of Ste. Agathe, in Manitoba, according to the Special Survey of said Parish registered in the Winnipeg Land Titles Office as No. 3599, which lies between two lines drawn parallel with, and perpendicularly distant 49.5 feet on opposite sides of the centre line of the Northern Pacific and Manitoba Railway, as said centre line is shown on a plan filed in the said Office as No. 362. "
3. That, as required by the Municipal Act of the Province of Manitoba, a Notice of such closing was published in the Morris Herald, a newspaper having circulation in the vicinity of the road proposed to be closed, such Notice being duly published in four (4) weekly issues prior to the meeting of Council, being April 10th, 17th, 24th and May 1st, 1952. A copy of the Notice published is attached hereto and marked Exhibit "A" to this my affidavit.
4. That Notices of such closing in the wording of the Notice in Exhibit "A" were posted at six (6) conspicuous places in the immediate vicinity of the proposed road to be closed one month prior to the passing of the aforementioned By-law.
5. That no one contested or objected in any way, in person or by Agent, the passing of the aforementioned By-law at the meeting of Council on May 9th, 1952.
6. That no person's ingress or egress to any adjacent property is affected in any way by the closing of that portion of the two-mile road above-described.
7. That I make this affidavit for the sole purpose of inducing the Municipal Commissioner to grant his approval to By-law No. 779.

SWORN before me at the
 Town of Morris, in the
 Province of Manitoba,
 this 16th day of
June, A.D. 1952.

J. L. Pottinger
Andrew J. Swain
 CLERK

A..... TOWN OF MORRIS.....
 in and for the Province of Manitoba.