

The Corporation of the Town of Gananoque
Bylaw Number 2006-28

**BEING A BY-LAW TO ESTABLISH THE PROCEDURE FOR THE SALE OF
SURPLUS PROPERTY**

**PART OF THE BED OF THE ST. LAWRENCE RIVER IN FRONT OF PART OF LOT
525, REGISTERED PLAN 86 EAST**

WHEREAS the Municipal Act, S.O. 2001, Section 268, as amended, requires Council to establish, by by-law, procedures governing the sale of real property surplus to its need;

AND WHEREAS Linda Pollon and Kent MacLeod (“Pollon/MacLeod”) are the owners, with other land, of that part of Lot 525, Plan 86 East, Town of Gananoque designated as Part 2 Plan 28R 7612 (“the abutting land”);

AND WHEREAS pursuant to instrument 344683 registered on June 25, 2004 in Registry Office for the Registry Division of Leeds (No. 28) (“the granting instrument”), the Corporation of the Town of Gananoque acquired paper title to, with other lands, that part of the bed of the St. Lawrence River lying in front of Lot 15, Concession 1, geographic Township of Leeds, designated as Part 1 Plan 28R 7612 (“the land”);

AND WHEREAS Pollon/MacLeod claim that, through their predecessors, they have acquired title by adverse possession to the land (“the Pollon/MacLeod claim”)

AND WHEREAS Council for the Corporation of the Town of Gananoque has declared in principle that it is prepared to acknowledge the Pollon/MacLeod claim, provided Her Majesty the Queen in right of Canada as represented by the Minister of Fisheries and Oceans, the transferor in the granting instrument, has no objection, and in particular does not take the position that such an acknowledgement would amount to a breach of the covenants in the granting instrument;

AND WHEREAS Her Majesty the Queen in right of Canada as represented by the Minister of Fisheries and Oceans, has confirmed that it has no such objection, and in particular does not take the position that such an acknowledgement would amount to a breach of the covenants in the granting instrument;

AND WHEREAS it is further desirable that such an acknowledgement be completed pursuant to the sale-of-land procedures;

AND WHEREAS Pollon/MacLeod have applied for the passage of a by-law declaring the land surplus and authorizing its sale to them for \$1.00;

AND WHEREAS notice of the proposed sale has been given;

AND WHEREAS no appraisal is required as the land does not have direct access to a highway and the proposed purchasers are the owners of the abutting land;

NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby declares the land to be surplus and authorizes the Mayor and Clerk to execute a quit claim to Pollon/MacLeod for \$1.00.

By-Law read a first, second and third time short this 16th day of May, 2006.

Mayor

Clerk