

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Stop Up and Close that Portion of the Road Allowance Set Out As Part of Lot 1 on Plan 186 as in R173327; Part of Road Allowance between Concession 6 and 7; Part 5 on Plan 57R-7867, together with R173327, Being Part of PIN: 63253-0264 (LT), in the Geographic Township of Emily, City of Kawartha Lakes

Recitals

1. Pursuant to the *Municipal Act, 2001* Council is empowered to stop up and close any part of a highway under its jurisdiction;
2. It is desirable to stop up and close that part of the road on 57R-7867, more particularly described as Part 5 on 57R-7867, Geographic Township of Emily, being part of PIN: 63253-0264 (LT), to authorize the release of the City of Kawartha Lakes' interest in Part 5 on Plan 57R-7867 in accordance with the By-law number 1998-20.
4. By-law number 1997-33 dedicated Part 5 on 57R-7867 as a road in error. By-law 1998-20 directed staff to execute a Quit Claim Deed to correct the error, but did not stop up and close the highway on the land. This By-law is to have Part 5 on 57R-7867 stopped up and closed to release the City of Kawartha Lakes' interest in the land.
5. Notice of the intention of City Council to pass this By-law was given by ad notice duly published in the Kawartha Lakes This Week on July 19, 2018, July 26, 2018, and August 2, 2018, and the Peterborough This Week on July 20, 2018, July 27, 2018 and August 3, 2018, in accordance with the provisions of the *Municipal Act, 2001* and By-law 2018-020, as amended.
6. The proposed By-law came before Council for consideration at its regular meeting on the 14th day of August, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Road Closure

2.01 Closure: That part of the road allowance described as Part 5 on Plan 57R-7867, Emily, being part of PIN: 63253-0264 (LT) has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to release the City's interest to the abutting owners for nominal consideration.

Section 3.00: Effective Date

3.01 Effective Date: This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 14th day of August, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk