

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Stop Up and Close Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R), and to Release the City's Right to Re-Purchase the Land

Recitals

1. Pursuant to the *Municipal Act*, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;
2. The land described in Schedule "A" attached forms part of the road allowance between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Manvers, City of Kawartha Lakes, and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that part of the road allowance described in Schedule "A" attached to this by-law and to authorize the release of the City's right to re-purchase the land.
4. By-Law No. 831 authorized the sale of the land described in Schedule "A". A Deed of Land registered as Instrument No. 8864, dated October 19, 1931, confirms the land has been in private ownership since that date.
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* newspaper on the 9th, 16th, and 23rd days of August. During the three week newspaper circulation, notice was also posted on-site, as well as on the City of Kawartha Lakes website, in accordance with the provisions of the *Municipal Act, 2001* and City of Kawartha Lakes By-Law 2018-020, as amended.
6. The proposed by-law came before Council for consideration at its regular meeting on the 25th day of September, 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 and Sale

2.01 Closure and Sale: That part of the road allowance described in Schedule "A" attached has been declared to be surplus to municipal needs and is hereby stopped up and closed. The City's right to re-purchase the land described in Schedule "A" is authorized to be released in exchange for consideration in the amount of \$18,212.15 (or an amount as otherwise set by Council), plus HST, if applicable, plus the cost of advertising, registrations, City staff time expense, legal fees and disbursements and any other costs incurred by the City in connection to this transaction.

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 25th day of September, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

**Schedule "A" To City Of Kawartha Lakes
By-Law Number 2018-
Passed This 25th Day Of September, 2018**

Description Of Land To Be Stopped Up and Closed

Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R)