

The Corporation of the City of Kawartha Lakes

By-Law 2019-

A By-law to Enter Into an Amending Agreement with Five W Farms Inc. and to Authorize the Execution of Such Agreement

Recitals

1. The Corporation of the Township of Bexley and Isabel Webster entered into an agreement on April 9, 1997 (the "Agreement"), in relation to the operation of a quarry (hereinafter called the "Webster Quarry") on certain lands in the Geographic Township of Bexley owned by Mrs. Webster.
2. The Webster Quarry was transferred to Five W Farms Inc. on November 29, 2009, pursuant to Instrument R377330.
3. Five W Farms Inc. and the City entered into an Agreement to Amend the Agreement on March 26, 2012, with respect to the revenue set out therein.
4. Five W Farms and the City of Kawartha Lakes have agreed to further amend the Agreement to include several road allowance parcels which are being purchased by Five W Farms Inc. from the City.
5. This by-law authorized the signing of an agreement to amend the aforementioned Agreement with Mrs. Webster.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019- .

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: Agreement

- 2.01 **Approvals:** Council hereby approves, as drafted in the form attached hereto as Schedule “A”, an agreement to amend the Agreement entered into on the 9th day of April, 1997 with Isabel Webster, predecessor in title to Five W Farms Inc., the current owner of the Webster Quarry, for the purpose of including road allowance parcels being purchased by Five W Farms Inc.
- 2.02 **Authorizations:** The Mayor and City Clerk are authorized and directed to sign the agreement between Five W Farms Inc. and the City in the form attached to this by-law as Schedule “A”.

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 23rd day of April, 2019.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule A



DRAFT Amending
Agreement - Five W F