

# The Corporation of the City of Kawartha Lakes

## By-Law 2019-

### **A By-law to Amend By-Law 2016-150, Being a By-law to Stop Up and Close the Road Allowance Between Concessions 9 and 10 in the Geographic Township of Fenelon, City of Kawartha Lakes Designated as Parts 1-7 on Reference Plan 57R-10509 and to Authorize the Sale of Land to the Abutting Landowners**

#### **Recitals**

1. By-Law 2016-150 was passed by Council on August 30, 2016 and deposited on title in the Registry Office for the Registry Division of Victoria (No. 57) on September 15, 2016;
2. By-Law 2016-150 stopped up and closed the road allowance legally described as Part of the Road Allowance between Concessions 9 and 10, in Geographic Township of Fenelon, City of Kawartha Lakes, designated as Parts 1-7 on Reference Plan 57R-10509, and authorized a sale of the land to the abutting landowners for nominal consideration, plus all costs incurred by the City in connection to the transactions;
3. Parts 4 and 5 on Plan 57R-10509 were not sold at the time Parts 1-3, 6 & 7 were sold and remain in City ownership;
4. By-Law 2018-020, being a By-Law to Regulate the Disposition of Municipal Real Property in and for the Corporation of the City of Kawartha Lakes, was passed by Council on February 13, 2018 and stipulated that interior road allowances are to be sold for \$15.00 per linear foot (where the linear foot has an average width of 66 feet);
5. Due to this change in price, the section of By-Law 2016-150 that refers to the consideration paid for the various parcels of road allowance needs to be amended;
6. This by-law makes the required wording change.

**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: Amendment to Section 2.00 of By-Law 2016-150**

**2.01 Amendment:** That Section 2.01 be deleted and replaced with:

That part of the road allowance described in Schedule “A” attached has been declared surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting landowners. Parts 1-3, 6 and 7 on Reference Plan 57R-10509 shall be sold for nominal consideration, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements and any other costs incurred by the City in connection to this transaction. Parts 4 and 5 on Plan 57R-10509 shall be sold for consideration in an amount set out in the City’s disposition by-law which is in effect at the time of sale, plus a City staff time expense and any costs incurred by the City in connection to the transactions.

**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 23<sup>rd</sup> day of April, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk