

The Corporation of the City of Kawartha Lakes

By-Law 2017-

A By-Law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot A, Concession 1, in the Geographic Township of Carden, City of Kawartha Lakes, Designated as Parts 1, 2, and 3 on Reference Plan 57R-10579, to Authorize the Sale of the Land to the Abutting Owners and to Authorize a Grant of Easement in Favour of Hydro One Networks Inc. Over Part of the Original Shore Road Allowance in Front of Lot A, Concession 1, in the Geographic Township of Carden, City of Kawartha Lakes, Designated as Part 2 on Reference Plan 57R-10579

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 original shore road allowance along Lake Dalrymple and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that part of the original shore road allowance along Lake Dalrymple described in Schedule "A" attached to this by-law and to authorize the sale of the land to the abutting owners.
4. 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 in the City of Kawartha Lakes on the 17th, 24th, and 31st days of August, 2017, in accordance with the provisions of the *Municipal Act* and By-law number 2015-095 and 2010-118, as amended.
5. The proposed by-law came before Council for consideration at its regular meeting on the 12th day of September, 2017 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.
6. This matter was approved by City Council on the 30th day of August, 2016 by the adoption of Report RS2016-002 by CR2016-739.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-_____.

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: Shoreline Road Closure, Sale, and Easements

- 2.01 **Closure and Sale:** That part of the original shore road allowance described in Schedule "A" attached has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting owners for \$20.00 per linear foot of frontage being the sum of Three Thousand Sixty-Four Dollars and Thirty Cents (\$3,064.30) plus HST, if applicable, 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.
- 2.02 **Easements:** Prior to the transfer of that part of the shore road allowance described in Schedule "A" to the abutting owners the City of Kawartha Lakes is authorized to grant an easement in favour of Hydro One Networks Inc. over Part of the Original Shore Road Allowance in Front of Lot A, Concession 1, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Part 2 on Plan 57R-10579.

Section 3.00: Effective Date

- 3.01 **Effective Date:** This By-law shall come into force and take effect when it has been 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 12th day of September, 2017.

Andy Letham, Mayor

Ron Taylor, Acting City Clerk

**Schedule "A" to City of Kawartha Lakes
By-Law Number 2017-
Passed this 12th Day of September, 2017**

**Description of Land to be Stopped Up, Closed
and Conveyed to the Abutting Owners**

Part of the Original Shore Road Allowance in Front of Lot A, Concession 1,
Geographic Township Of Carden, City Of Kawartha Lakes, Designated as Parts
1, 2 And 3 On Reference Plan 57R-10579