

The Corporation of the City of Kawartha Lakes

By-Law 2020-

A By-Law to Stop Up and Close Part of the Road Allowance Legally Described as Part of the Road Allowance between Lot 18 and Lot 19, Concession 2, in the Geographic Township of Somerville, City of Kawartha Lakes designated as Parts 6 and 7 on Plan 57R-10763 Being Part of PIN: 63119-0195 (LT) and to Repeal and Replace By-law 2019-152

Recitals

1. Pursuant to the Municipal Act, 2001, 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 legally described as Part of Road Allowance Between Lots 18 and 19, Concession 2, in the Geographic Township of Somerville, City of Kawartha Lakes and has been declared to be surplus to municipal needs.
3. Council has decided to stop up and close that part of the road allowance described in Schedule "A" attached to this by-law and to authorize the sale of the land to the abutting owners.
4. This matter was approved by City Council on the 19th day of March, 2019 by the adoption of Report RS2019-016 by CW2019-070.
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 14th, 21st and 28th days of February, 2019, in accordance with the provisions of the Municipal Act, 2001 and the 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 ___ day of _____, 2020 at 1:00 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 2020-____.

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, closed and authorized to be sold to Kenneth Cowling and Cheryl Cowling for Two Thousand Two Hundred Eight Dollars and Sixty-six Cents (\$2,208.66), 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 road allowance described in Schedule "A" to Kenneth Cowling and Cheryl Cowling the City of Kawartha Lakes is authorized to grant an easement in favour of Hydro One Networks Inc. over Parts 6 and 7 on 57R-10763.

Section 3.00: Repeal

3.01 Repeal: By-Law 2019-152 is repealed.

Section 4.00: Effective Date

4.01 **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 ____ day of _____ 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule "A" To City of Kawartha Lakes
By-Law Number 2020-
Passed This Day of , 2020

Description of Land To Be Stopped Up, Closed
And Conveyed To The Abutting Owners

Part of the Road Allowance between Lot 18 and Lot 19, Concession 2, in the Geographic Township of Somerville, City of Kawartha Lakes as Parts 6 and 7 on Plan 57R-10763 Being Part of PIN: 63119-0195 (LT)