

The Corporation of the City of Kawartha Lakes

By-Law 2020-____

A By-law to Stop Up and Close Part of the Original Road Allowance Along Lake Dalrymple Laying in Front of Point A, Concession 1, in the Geographic Township of Carden, City of Kawartha Lakes, Further Described as Parts 1 and 2 on Plan 57R-10758, and to Authorize the Sale of the Land to the Abutting Owner

And to Authorize a Grant of Easement in favour of Hydro One Networks Inc. over Part of the Original Road Allowance Along Lake Dalrymple Laying in Front of Point A, Concession 1, in the Geographic Township of Carden, City of Kawartha Lakes, Further Described as Parts 1 and 2 on 57R-10758.

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 this by-law and describes the parcel as the part of the Original Road Allowance along Lake Dalrymple laying in Front of Point A, Concession 1, in the Geographic Township of Carden, 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 original road allowance described in Schedule "A" attached to this by-law and to authorize the sale to the land to the abutting owners.
4. Notice of the intention of the City Council to pass this by-law was given by ad notice duly published in the Kawartha Lakes This Week newspaper on 27th day of December, 2018 and on the 3rd and 10th days of January, 2019, in accordance with the provisions of the Municipal Act, 2001 and the City of Kawartha Lakes By-Law 2018-020, as amended.
5. Notice of the intention of the City Council to pass this by-law was given by the City of Kawartha Lakes Website posted on 27th day of December, 2018, 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 5th day of February, 2019 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.
7. This matter was approved by City Council on the 5th day of February, 2019 by the adoption of Report RS2019-006.

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;

“Manager of Realty Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

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, Sale, and Easements

2.01 Close and Sale: That part of the original road allowance described in Schedule “A” attached to this by-law has been declared to be surplus to municipal needs and is hereby stopped up, closed, and authorized to be sold to Bradley Trew for \$23.00 per linear foot of the original road allowance (where the linear foot has an average width of 66 feet). Parts 1 and 2 on Plan 57R-10758 will be sold to Bradley Trew for the sum of \$762.91, plus HST (if applicable), plus the cost of the Reference Plan, advertising, registrations, City staff time fee, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

2.02 Easements: Prior to the transfer to Bradley Trew of that part of the original road allowance described in Schedule “A” attached to this by-law, the City of Kawartha Lakes is authorized to grant an easement in favour of Hydro One Networks Inc. over Part of the Original Road Allowance along Lake Dalrymple lying in Front of Point A, Concession 1, in the Geographic

Township of Carden, City of Kawartha Lakes, designated as Part 2 on Plan 57R-10758.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this by-law.
- 3.02 **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 Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 15th day of December, 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule A To The City of Kawartha Lakes By-Law 2020-_____
Passed The 15th Day of December, 2020

Description of the Land to be Conveyed to Bradley Trew

Part of the Original Road Allowance along Lake Dalrymple in Front of Point A,
Concession 1, in the Geographic Township of Carden, further described as Parts
1 and 2 on 57R-10758.