

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2011 - 177

A BY-LAW TO STOP UP AND CLOSE A PORTION OF AN UNOPENED ROAD ALLOWANCE BETWEEN PART OF LOT 26, CONCESSIONS 7 AND 8, GEOGRAPHIC TOWNSHIP OF FENELON, CITY OF KAWARTHA LAKES, BEING PART 6, PLAN 57R-9936 (PT. PIN 63159-0153(LT)) TO EFFECT THE REALIGNMENT OF THE PUBLIC ROAD ALLOWANCE IN EXCHANGE FOR WHICH THE CORPORATION OF THE CITY OF KAWARTHA LAKES SHALL RECEIVE THE TITLE TO PART OF LOT 26, CONCESSION 8, BEING PART 2, PLAN 57R9936, GEOGRAPHIC TOWNSHIP OF FENELON, CITY OF KAWARTHA LAKES (PT. PIN 63159-0441 (LT))

Recitals

1. Pursuant to the *Municipal Act*, Council is empowered to stop up, close and to sell any part of a highway;
2. The land described in Schedule "A" attached forms part of the original road allowance in the Township of Fenelon, 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 conveyance of the land to the abutting owners for valuable consideration.
4. It is desirable to acquire the land described in Schedule "B" attached to this by-law as partial satisfaction of such consideration.
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 in the City of Kawartha Lakes on the 3rd, 10th and 17th days of September, 2009, in accordance with the provisions of the *Municipal Act* and By-law number 2008-065, as amended.
6. The proposed by-law came before Council for consideration at its regular meeting on the 27th day of September, 2011 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.
7. This matter was approved by City Council on the 15th day of June, 2010 by the adoption of Report LMC2010-029 by CR2010-782.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2011-177.

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.

"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: Closure of Road and Exchange of Land

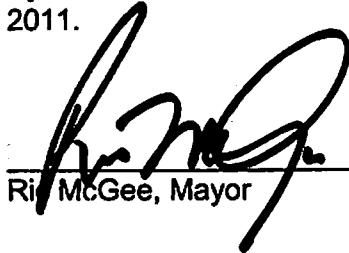
2.01 Closure of Road and Exchange of Land: That part of the road allowance described in Schedule "A" attached, is hereby stopped up, closed and authorized to

be conveyed to the adjoining landowners for Sixty-Six Thousand Dollars (\$66,000.00) plus H.S.T., if applicable, and all costs that are associated with the transaction, together with conveyance to the City of the parcel of land described in Schedule "B" for nominal consideration in order to maintain public access to Cameron Lake. The City is hereby authorized to accept title to the lands described in Schedule "B" free and clear of encumbrances."

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 27th day of September, 2011.


Rick McGee, Mayor


Judy Currijs, City Clerk

**SCHEDULE "A" TO CITY OF KAWARTHA LAKES
BY-LAW NUMBER 2011-177
PASSED THIS 27th DAY OF SEPTEMBER, 2011**

**DESCRIPTION OF LAND TO BE STOPPED UP, CLOSED
AND CONVEYED TO THE ABUTTING OWNERS**

A PORTION OF AND UNOPENED ROAD ALLOWANCE BETWEEN PART OF LOT 26,
CONCESSIONS 7 AND 8, GEOGRAPHIC TOWNSHIP OF FENELON, CITY OF
KAWARTHA LAKES, BEING PART 6, PLAN 57R-9936 (PT. PIN 63159-0153(LT))

**SCHEDULE "B" TO CITY OF KAWARTHA LAKES
BY-LAW NUMBER 2011-177
PASSED THIS 27th DAY OF SEPTEMBER, 2011**

**DESCRIPTION OF LAND TO BE CONVEYED TO
THE CORPORATION OF THE CITY OF KAWARTHA LAKES**

PART OF LOT 26, CONCESSION 8, BEING PART 2, REGISTERED PLAN 57R9936,
GEOGRAPHIC TOWNSHIP OF FENELON, CITY OF KAWARTHA LAKES BEING
PART OF PIN 63159-0441 (LT)