

The Corporation of the City of Kawartha Lakes

By-Law 2022-

A By-law to Stop Up and Close that Portion of the Road Allowance Set Out as Part of Bertram Street on Plan 44, being Part 8 on Plan 57R-10487 (Part of PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (All of PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes in the City of Kawartha Lakes

And To Release the City's Interest in the Property Legally Described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes

Recitals

1. Pursuant to the Municipal Act, 2001, Council is empowered to stop up and close any part of a highway.
2. It is desirable to stop up and close that portion of the road allowance set out as Part of Bertram Street on Plan 44, being Part 8 on Plan 57R-10487 (Part of PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (All of PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes in the City of Kawartha Lakes and to authorize the release of the City's interest in the property legally described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes.

3. A Transfer/Deed of Land registered as Instrument No. R256290, dated September 13, 1989, confirms that the subject road allowances have been in private ownership since at least that date.
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 on the 16th, 23rd, and 30th days of December, 2021. During the three-week newspaper circulation, notice was also posted on The City of Kawartha Lakes website, in accordance with the provisions of the Municipal Act, 2001, and City of Kawartha Lakes By-Law 2018-020, as amended.
5. The proposed by-law came before Council for consideration at its regular meeting on the 25th day of January, 2022 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 2022- .

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: The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

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 Release of Interest

- 2.01 **Road Closure and Release of Interest:** That part of the road allowance described as Part of Bertram Street on Plan 44, being Part 8 on Plan 57R-10487 (Part of PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (All of PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes in the City of Kawartha Lakes, is hereby stopped up and closed. The Mayor and Clerk are authorized to execute all instruments necessary to effect a release of any right, title, or interest in such lands on behalf of the City in order to correctly establish the parcel description of PIN: 63210-0214 (LT) and PIN: 63210-0194 (R), for nominal consideration plus all costs incurred by the City, such as advertising costs, legal fees, disbursements and registration costs.

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 Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 25th day of January, 2022.

Andy Letham, Mayor

Cathie Ritchie, City Clerk