

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2023-**

### **A By-law to Stop Up and Close Part of Aylmer Drive on Part of the Original Shore Road Allowance Along Lake Dalrymple Lying in Front of Lot 72 on Registered Plan No. 150, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Parts 1, 2, and 3 on Plan 57R-10987, 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 Shore Road Allowance Along Lake Dalrymple Lying in Front of Lot 72 on Registered Plan No. 150, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Part 2 on Plan 57R-10987.

File L06-21-RS040, respecting 243 Avery Point Road, Sebright

#### **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 describe 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 advertising notice duly published in the Kawartha Lakes This Week on the 16<sup>th</sup>, 23<sup>rd</sup>, and 30<sup>th</sup> days of December, 2021 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 18<sup>th</sup> day of April, 2023 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.
6. The sale of this land was recommended by Committee of the Whole on the 11<sup>th</sup> day of January, 2022 by CW2022-014. The recommendation was adopted at the Regular Council meeting on the 25<sup>th</sup> day of January, 2022 by CR2022-004.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023- .**

## **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, which 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 original shore 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 the abutting owners for Twenty-Eight Thousand Dollars (\$28,000.00), 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 Easement:** Prior to the transfer of that part of the original 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 Along Lake Dalrymple Lying in Front of Lot 72 on Registered Plan No. 150, in the

Geographic Township of Carden, City of Kawartha Lakes, designated as Part 2 on Plan 57R-10987.

### **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 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 18<sup>th</sup> day of April, 2023.

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Doug Elmslie, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A**

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

Part of Aylmer Drive on Part of the Original Shore Road Allowance Along Lake Dalrymple Lying in Front of Lot 72 on Registered Plan No. 150, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Parts 1, 2, and 3 on Plan 57R-10987