

# The Corporation of the City of Kawartha Lakes

## By-Law 2017-\_\_\_\_

### **A By-law to Authorize the Conveyance of Municipally Owned Property Legally Described as Part of Lot 8, North of Portage Road, designated as Part 2 on Plan 57R2197, in the former Geographic Township of Bexley, City of Kawartha Lakes, being Part of PIN: 63116-0337 (LT)**

#### **Recitals**

1. Registered Instrument 143084, registered against property legally described as Part of Lot 8, North of Portage Road, designated as Part 2 on Plan 57R2197, in the former Geographic Township of Bexley, City of Kawartha Lakes, being Part of PIN: 63116-0337 (LT) (the "Subject Land"), provides that:

TO HAVE AND TO HOLD unto the said Grantee its successors and assigns for so long as it shall be used for church and cemetery purposes and no longer should the church and cemetery cease to exist.

SUBJECT NEVERTHELESS to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown. When the said lands are no longer used for church and cemetery purposes, they shall be returned to the Grantor.

2. A map of the Subject Land can be found at Schedule "A".
3. Report RS2017-010 was presented to City Council on the 22<sup>nd</sup> day of August, 2017. That report confirmed that the Subject Land is not required for future cemetery uses. Accordingly, the Subject Land was declared surplus to municipal needs by City Council on the 22<sup>nd</sup> day of August, 2017 by CR2017-681.
4. The conveyance of the Subject Land was approved by the City Council on the 22<sup>nd</sup> day of August, 2017 by CR2017-681, which stated in part:

**THAT** the subject property, legally described as Part of Lot 8, North of Portage Road, designated as Part 2 on Plan 57R2197, in the former Geographic Township of Bexley, City of Kawartha Lakes, be declared surplus to municipal needs;

**THAT** the conveyance of the subject property for nominal consideration be supported, notwithstanding sections 3.03 and 3.04 of By-law 2010-118 and pursuant to sections 1.2 and 1.3 of Policy C-2014-DEV-001, in accordance with the provisions of Registered Instrument 143084;

**THAT** notice be given in accordance with By-laws 2008-065 and 2010-118, as amended;

**THAT** on completion of the public notice, Council shall consider any deputation or public input in opposition of the conveyance, if any, and if appropriate, pass a By-law (with any amendments deemed necessary) to authorize its disposition; and

**THAT** the Mayor and Clerk be authorized to execute all legal closing documents required for the conveyance of the subject property.

5. Public notice is required prior to the disposition of municipally-owned land, pursuant to By-law 2010-118, so as to give the public the opportunity to comment on the effect of the disposal to any rights that they may have. In this circumstance, the City is obligated to return the Subject Lands to the

grantor if it has no existing or future need of the Subject Lands for cemetery purposes. Accordingly, public notice would serve no purpose in this instance.

6. The proposed by-law came before Council for consideration at its regular meeting on the 24<sup>th</sup> day of October, 2017 at 2:00 p.m.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-\_\_\_\_\_.**

## **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: Conveyance of Surplus Property**

- 2.01 **Conveyance:** Notwithstanding provisions regarding public notice in By-law 2010-118 and Policy C-204-DEV-001, and notwithstanding provisions in By-law 2010-118 and Policy C-204-DEV-001 regarding transfer of municipal land for no less than appraised value plus all costs of transfer, Part of Lot 8, North of Portage Road, designated as Part 2 on Plan 57R2197, in the former Geographic Township of Bexley, City of Kawartha Lakes, being Part of PIN: 63116-0337 (LT) is hereby authorized to be conveyed to the lawful heirs of the grantor, being James Robert Webster (25% share), Isabel Anne Luce (25% share), Charles Arthur Webster (25% share), Isabel Anne Luce (part of 25% share), and David William Luce (part of 25% share) for no consideration, with all costs associated with this transaction payable by the transferees.

- (a) This transfer of land shall be exempt from sections 5.1 and 5.3 of Policy C-204-DEV-001 and section 3.05 regarding public notice.

- (b) This transfer of land shall be exempt from sections 4.1 and 4.3 of Policy C-204-DEV-001 and section 3.03 of By-law 2010-118 regarding sale at appraised market value, as provided for in sections 1.2 and 1.3 of Policy C-204-DEV-001.

## **Section 3.00: Effective Date**

- 3.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed by Council.

By-law read a first, second and third time, and finally passed, this 24<sup>th</sup> day of October, 2017.

---

Andy Letham, Mayor

---

Ron Taylor, Acting City Clerk

SCHEDULE A

