

The Corporation of the City of Kawartha Lakes

By-Law 2023-

A By-law to Stop up, Close and Sell part of the Road Allowance between Lot 5 and Lot 6, Concession 2, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Parts 1 and 2 on Reference Plan 57R-10999

File No.: L06-20-RS023 Road Allowance adjacent 122 Miller Road, Brechin

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 the road allowance legally described as PIN 63109-0101 (LT), being the road allowance between Lot 5 and Lot 6, Concession 2, in the Geographic Township of Carden, in the 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 road allowance described in Schedule "A" attached to this by-law and to authorize the sale of the land to the abutting owner.
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 9th, 16th, and 23rd days of September, 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 18th 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 stop up, closure, and sale of this land was recommended by Committee of Whole on the 2nd day of November, 2021 by CW2021-282. The recommended was adopted at the Regular Council meeting on the 16th day of November, 2021 by CR2021-532.

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 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 owner for an undisclosed amount (determined by a geotechnical report as required by CW2021-282). The abutting owner has also agreed to reimburse the City for the cost of all advertising, surveying, registration, legal and any other reasonable costs associated with closing, stopping up and the sale of the lands to the abutting owner.

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 18th day of April, 2023.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A

Description of Land to be Stopped Up, Closed, and Conveyed to the Abutting Owner

Part of the Road Allowance between Lot 5 and Lot 6, Concession 2, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Parts 1 and 2 on Reference Plan 57R-10999