

# The Corporation of the City of Kawartha Lakes

## By-Law 2024-

### **A By-Law to Stop Up, Close, and Sell Part of Lot 26, Concession 8 (Part of PIN: 63159-0445 (LT)), and Part of Road Allowance between Concession 7 and 8 (Part of PIN: 63159-0449 (LT)), in the Geographic Township of Fenelon, City of Kawartha Lakes, being Parts 1, 3, and 5 on Plan 57R-11110**

And to Authorize a Grant of Easement in Favour of Hydro One Networks Inc. over Part of Road Allowance between Concession 7 and 8, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Parts 1 and 3 on Plan 57R-11110 (Part of PIN: 63159-0449 (LT))

And to Authorize a Grant of Easement in Favour of the Owners, Their Successors and Assigns, of the Property Legally described as Part of Lot 26, Concession 8 as in R316111; Except Parts 3 and 6 on Plan 57R-8349, Part 1 on Plan 57R-9010, Parts 1, 4, 7, and 10 on Plan 57R-9032, Parts 1, 4, 7, 10, 13, 16, 19, 22, 25, 26, and 27 on Plan 57R-9033, and Parts 1, 2, 3, 4, and 5 on Plan 57R-9936; Subject to R316111 Except the Easement Therein as in R447000; in the Geographic Township of Fenelon, City of Kawartha Lakes, being PIN: 63159-0452 (LT) over Part of Road Allowance between Concession 7 and 8, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Parts 1 and 3 on Plan 57R-11110 (Part of PIN: 63159-0449 (LT))

File L06-22-RS027, respecting 31 Blue Bay Lane, Fenelon Falls

#### **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 road allowances legally described as Part of Lot 26, Concession 8, designated as Part 2 on Plan 57R-9936, in the Geographic Township of Fenelon, City of Kawartha Lakes (PIN: 63159-0445 (LT) and Road Allowance between Concession 7 and Concession 8 between Cameron Lake and Highway 598 Except Part 6 on Plan 57R-9936, in the Geographic Township of Fenelon, City of Kawartha Lakes (PIN: 63159-0449 (LT)), and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close those parts of the road allowances 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 9<sup>th</sup>, 16<sup>th</sup>, and 23<sup>rd</sup> days of February, 2023 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 30<sup>th</sup> day of January, 2024 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 the Committee of the Whole on the 7<sup>th</sup> day of March, 2023 by CW2023-053. The recommendation was adopted at the regular Council meeting on the 21<sup>st</sup> day of March, 2023 by CR2023-170.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .**

## **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, 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, Sale, and Easements**

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 owners for Twenty-Seven Thousand Dollars (\$27,000.00), plus HST (if

applicable), plus the cost of the Reference Plan, advertising, appraisal, registrations, City staff time fee, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

- 2.02 **Utility Easement:** Prior to the transfer of that part of the road allowance described in Schedule “A” attached to this By-Law 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 Road Allowance between Concession 7 and 8, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Parts 1 and 3 on Plan 57R-11110 (Part of PIN: 63159-0449 (LT)).
- 2.03 **Access Easement:** Prior to the transfer of that part of the road allowance described in Schedule “A” attached to this By-Law to the abutting owners, the City of Kawartha Lakes is authorized to grant an easement in favour of owners, their successors and assigns, of the property legally described as Part of Lot 26, Concession 8 as in R316111; Except Parts 3 and 6 on Plan 57R-8349, Part 1 on Plan 57R-9010, Parts 1, 4, 7, and 10 on Plan 57R-9032, Parts 1, 4, 7, 10, 13, 16, 19, 22, 25, 26, and 27 on Plan 57R-9033, and Parts 1, 2, 3, 4, and 5 on Plan 57R-9936; Subject to R316111 Except the Easement Therein as in R447000; in the Geographic Township of Fenelon, City of Kawartha Lakes, being PIN: 63159-0452 (LT), over Part of Road Allowance between Concession 7 and 8, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Parts 1 and 3 on Plan 57R-11110 (Part of PIN: 63159-0449 (LT)) for the purpose of allowing unrestricted pedestrian access to an existing easement as set out in KL72023.

### **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-law read a first, second and third time, and finally passed, this 30<sup>th</sup> day of January, 2024.

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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 Lot 26, Concession 8 (Part of PIN: 63159-0445 (LT)), and Part of Road Allowance between Concession 7 and 8 (Part of PIN: 63159-0449 (LT)), in the Geographic Township of Fenelon, City of Kawartha Lakes, being Parts 1, 3, and 5 on Plan 57R-11110