

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Repeal and Replace By-Law 2024-007, being a By-Law to Stop Up, and Close Part of the Road Allowance between Concession 1 and Concession 2 Lying Between King Street and Portage Road (Highway 48); Except Part 1 on Plan 57R-9719, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 1 on Plan 57R-11015, and to Authorize the Sale of the Land to the Abutting Owner

File L06-21-RS035, respecting 113 Bolsover Road, Bolsover

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 Road Allowance between Concession 1 and Concession 2 Lying between King Street and Portage Road (Highway 48); Except Part 1 on Plan 57R-9719, in the Geographic Township of Eldon, 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 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 10th, 17th, and 24th days of February, 2022 in accordance with the provisions of the Municipal Act, 2001 and City of Kawartha Lakes By-Law 2018-020, as amended.
5. Pursuant to the Municipal Act, 2001, section 34(2)(a), a By-Law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway abuts on land owned by the Crown in right of Canada. The land abutting the subject Land described in Schedule "A" is owned by the Crown in right of Canada and is under the jurisdiction of the Parks Canada Agency, Trent-Severn Waterway. Trent-Severn Waterway provided their consent to the sale of the subject Land described in Schedule "A" on the 5th day of March, 2024.
6. The proposed By-Law came before Council for consideration at its regular meeting on the 19th day of March, 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.

7. The sale of this land was recommended by the Committee of the Whole on the 8th day of March, 2022 by CW2022-054. The recommendation was adopted at the Regular Council meeting on the 22nd day of March, 2022 by CR2022-074.

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 and Sale

- 2.01 **Closure and Sale:** The part of the 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 Sixty Thousand Dollars (\$60,000.00), 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.

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).

Section 4.00: Repeals

- 4.01 **Repeal:** By-Law 2024-007 is repealed.

By-Law read a first, second and third time, and finally passed, this 19th day of March, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A

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

Part of the Road Allowance between Concession 1 and Concession 2 Lying Between King Street and Portage Road (Highway 48); Except Part 1 on Plan 57R-9719, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 1 on Plan 57R-11015