

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Stop Up and Close Part of Commerce Road on Plan 608, City of Kawartha Lakes, designated as Part 1 on Plan 57R-11129 (Part of PIN: 63237-0406 (LT)), and to Authorize its Sale to the Abutting Landowner

And to Authorize the Sale of Municipally Owned Property Legally Described as Part of Lot 9 and Part of Block 14 on Plan 608, City of Kawartha Lakes, designated as Part 2 on Plan 57R-11129 (Part of PIN: 63237-0397 (LT)) to the Abutting Landowner

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 legally described as Part of Commerce Road on Plan 608, in the Geographic Town of Lindsay, City of Kawartha Lakes, designated as Part 1 on Plan 57R-11129 (Part of PIN: 63237-0406 (LT)) forms part of the road allowance legally described as Commerce Road on Plan 605; Commerce Road on Plan 606; Commerce Road on Plan 608; Part of the West 1/2 of Lot 20, Concession 4, Ops, Part 1 on Plan 57R-4256; Part 3 on Plan 57R-4627 Being a Travelled Road Being Commerce Road South of Kent Street; Subject to R188721, VT72761, VT76551; Kawartha Lakes (PIN: 63237-0406 (LT)), 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 legally described as Part of Commerce Road on Plan 608, in the Geographic Town of Lindsay, City of Kawartha Lakes, designated as Part 1 on Plan 57R-11129 (Part of PIN: 63237-0406 (LT)) and to authorize the sale of the land to the abutting owners.
4. It is also desirable to sell the property legally described as Part of Lot 9 and Part of Block 14 on Plan 608, City of Kawartha Lakes, designated as Part 2 on Plan 57R-11129 (Part of PIN: 63237-0397 (LT)) to the abutting owner.
5. The sale of the lands described in Schedule A was recommended by the Committee of the Whole on the 7th day of March, 2023 by CW2023-054. The recommendation was adopted at the regular Council meeting on the 21st day of March, 2023 by CR2023-169.
6. 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 February, 2023 in accordance with the provisions of the Municipal Act, 2001 and City of Kawartha Lakes By-Law 2018-020, as amended.

7. The proposed By-Law came before Council for consideration at its regular meeting on the 30th day of April, 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.

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 Land Sale

- 2.01 **Road Closure:** That part of the road allowance legally described as Part of Commerce Road on Plan 608, in the Geographic Town of Lindsay, City of Kawartha Lakes, designated as Part 1 on Plan 57R-11129 (Part of PIN: 63237-0406 (LT)) has been declared to be surplus to municipal needs and is hereby stopped up and closed.

- 2.02 **Sale:** The property legally described in Schedule A has been declared to be surplus to municipal needs and is hereby authorized to be sold to 1000324998 Ontario Inc. for Eighty-Five Thousand Dollars (\$85,000.00),

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 Division of Victoria (No. 57).

By-Law read a first, second and third time, and finally passed, this 30th day of April, 2024.

—
Doug Elmslie, Mayor

—
Cathie Ritchie, City Clerk

Schedule A

Description of Land to be Sold to the Abutting Landowner

Part of Lot 9 and Part of Block 14 and Part of Commerce Road on Plan 608, City of Kawartha Lakes, being Parts 1 and 2 on Plan 57R-11129