

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Stop Up, Close, and Sell Hun Street on Plan 100 (PIN: 63150-0228 (LT)), Blake Street on Plan 100 West of Ellice Street (PIN: 63150-0229 (LT)), and Part of South Street on Plan 100 Except Parts 1 and 2 on Plan 57R-4580 (Part of PIN: 63150-0212 (LT)), in the Geographic Village of Fenelon Falls, City of Kawartha Lakes, designated as Parts 2, 4, 5, 6, and 7 on Plan 57R-11135

And to Authorize a Grant of Easement in Favour of Hydro One Networks Inc. over Part of Blake Street on Plan 100 West of Ellice Street, in the Geographic Village of Fenelon Falls, City of Kawartha Lakes, designated as Part 6 on Plan 57R-11135 (Part of PIN: 63150-0229 (LT))

File L06-22-RS023, 80 Ellice Street, 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 Hun Street on Plan 100 (PIN: 63150-0228 (LT)), Blake Street on Plan 100 West of Ellice Street (PIN: 63150-0229 (LT)), and South Street on Plan 100 Except Parts 1 and 2 on Plan 57R-4580 (Part of PIN: 63150-0212 (LT)), in the Geographic Village of Fenelon Falls, City of Kawartha Lakes, 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 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 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 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.
6. The sale of this land was recommended by the Committee of the Whole on the 7th day of March, 2023 by CW2023-049. The recommendation was adopted at the regular Council meeting on the 21st day of March, 2023 by CR2023-169.

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 Easement

2.01 **Closure and Sale:** Those parts of road allowance described in Schedule “A” attached to this By-Law have been declared to be surplus to municipal needs and are hereby stopped up, closed, and authorized to be sold to the abutting owner for Two Hundred Fifty-Two Thousand Eight Hundred Seventeen Dollars and Twenty-Five Cents (\$252,817.25), 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 **Easement:** Prior to the transfer of those parts of the road allowance described in Schedule “A” attached to this By-Law to the abutting owner, the City of Kawartha Lakes is authorized to grant an easement in favour of Hydro One Networks Inc. over Part of Blake Street on Plan 100 West of Ellice Street, in the Geographic Village of Fenelon Falls, City of Kawartha

Lakes, designated as Part 6 on Plan 57R-11135 (Part of PIN: 63150-0229 (LT)).

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 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

Hun Street on Plan 100 (PIN: 63150-0228 (LT)), Blake Street on Plan 100 West of Ellice Street (PIN: 63150-0229 (LT)), and Part of South Street on Plan 100 Except Parts 1 and 2 on Plan 57R-4580 (Part of PIN: 63150-0212 (LT)), in the Geographic Village of Fenelon Falls, City of Kawartha Lakes, designated as Parts 2, 4, 5, 6, and 7 on Plan 57R-11135