

The Corporation of the City of Kawartha Lakes

By-Law 2024-____

A By-Law to Stop, Up, Close, and Sell Road Allowance Between, Concession B and Concession C, Mariposa, Lying East of Marsh Creek Road and West of Part 13 on 57R-1557, closed by A19852, Further Described as Parts 1 and 2 on 57R-11136, in the Geographic Township of Mariposa, in the City of Kawartha Lakes, (PIN: 63197-0253)

File L06-21-RS012, respecting 73 Marsh Creek Road, in the Geographic Township of Mariposa

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 road allowance between Concession B and Concession C, in the Geographic Township of Mariposa, lying east of Marsh Creek Road and west of Part 13 on 57R-1557, closed by A19852, in the Geographic Township of Mariposa, in the City of Kawartha Lakes, further described as Part 1 and 2 on 57R-11136 (PIN: 63197-0253), is a road allowance which has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close that road allowance, legally described as road allowance between Concession B and Concession C, in the Geographic Township of Mariposa, lying east of Marsh Creek Road and west of Part 13 on 57R-1557, closed by A19852, in the Geographic Township of Mariposa, in the City of Kawartha Lakes, further described as Part 1 and 2 on 57R-11136 (PIN: 63197-0253), 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 8th, 15th, and 22nd days of December 2022 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 the regular meeting on the 31st day of January 2023 at 1:00 p.m. and at that time no person objected to the proposed by-law nor claimed that their land would be prejudicially affected.
6. The sale of this land was recommended by the Committee of the Whole on the 10th day of January 2023 by CW2023-022. The recommendation was adopted at the regular Council meeting on the 31st day of January 2023 by CR2023-038.

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 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: That part of road allowance, described as road allowance between Concession B and Concession C, in the Geographic Township of Mariposa, lying east of Marsh Creek Road and west of Part 13 on 57R-1557, closed by A19852, in the Geographic Township of Mariposa, in the City of Kawartha Lakes, further described as Part 1 and 2 on 57R-11136 (PIN: 63197-0253), 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 Twenty Thousand, Four Hundred, Fifty-Five Dollars (\$20,455.00), plus HST (if applicable), plus the cost of a 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.

By-law read a first, second and third time, and finally passed, this 23rd day of July, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk