

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Stop Up and Close a Portion of Road Allowance Set Out as Part of the Road on Plan 152 as in R346931, in the Geographic Township of Fenelon, in the City of Kawartha Lakes, Being Part of PIN 63144-0124

And to Release the City's Interest in the Property Municipally Known as 58 Manor Road, in the Geographic Township of Fenelon, in the City of Kawartha Lakes, and Legally Described as Part of Block C on Plan 152; Part of the Road on Plan 152; Part of Lots 21-22 on Plan 164 as in R346931; Together With R346931; Subject to the Interest of the Municipality, in the Geographic Township of Fenelon, in the City of Kawartha Lakes

Recitals

1. Pursuant to the Municipal Act, 2001, Council is empowered to stop up and close any part of a highway;
2. It is desirable to stop up and close that part of the Road on Plan 152, more particularly described as Part of the Road on Plan 152 as in R346931, in the Geographic Township of Fenelon, in the City of Kawartha Lakes, being Part of PIN: 63144-0124 (LT), and to authorize the release of the City's interest in the property legally described as Part of Block C on Plan 152; Part of the Road on Plan 152; Part of Lots 21-22 on Plan 164 as in R346931; Together With R346931; Subject to the Interest of the Municipality, in the Geographic Township of Fenelon, in the City of Kawartha Lakes, being all of PIN: 63144-0124 (LT);
3. A Transfer/Deed of Land registered as Instrument No R346931, dated the 28th day of November 1997, confirms that the subject road allowance has been in private ownership since that date;
4. Instrument VT55049, in the matter of the title to the existing road on plans 152 and 164, dated the 27th day of July 1960, confirms that the subject road allowance has been in private ownership since the date the plan was registered and the travelled road, known as "Manor Road" runs parallel to where the plan identifies a Street being present. More specifically, Manor Road is located entirely to the South of the subject property.
5. The proposed by-law came before Council for consideration at its regular meeting on the 22nd day of October, 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:

The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

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 Release of Interest

2.01 Road Closure and Release of Interest: That part of the road allowance described as Part of the Road on Plan 152 as in R346931, in the Geographic Township of Fenelon, in the City of Kawartha Lakes, being Part of PIN: 63144-0124 (LT), is hereby stopped up and closed.

2.02 The Director of Engineering and Corporate Assets has delegated authority through By-Law 2016-059 to approve the release of reserves without separately reporting to Council via a Council Report. Section 3.04 of By-law 2016-059 states that a reserve may be released when the Director of Engineering and Corporate Assets is satisfied that the reserve is no longer required due to an extension of the road, and that the release of the reserve does not prejudice the safety of the public. In this situation, the road was constructed in an alternative location and the subject to interest now acts as a reserve. Therefore, the release of the interest will not adversely affect the public.

2.03 Accordingly, the Director of Engineering and Corporate Assets has authorization to execute all documents necessary to effect a release in such lands on behalf of the City in order to correctly establish the parcel description of PIN: 63144-0124 (LT), for nominal consideration plus all

costs incurred by the City, such as legal fees, disbursements and registrations costs.

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 22nd day of October, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk