

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 86-2001

**A BY-LAW TO AUTHORIZE THE ENTERING INTO AN AGREEMENT
BETWEEN THE CORPORATION OF THE CITY OF KENORA AND 4 REAL
DEVELOPMENTS FOR AN ACCESS RAMP ON CHIPMAN STREET INTO
THE BERGMAN BUILDING**

WHEREAS clause 310 of the Municipal Act permits municipalities to lease or license the use of the untravelled portion of a highway;

WHEREAS it is deemed necessary and expedient to authorize the execution of an Agreement between The Corporation of the City of Kenora and 4 Real Developments for the construction of an access ramp into the Bergman Building on Chipman Street;

NOW THEREFORE, the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. **THAT** the Mayor and Clerk of the Corporation of the City of Kenora are hereby authorized to execute the agreement attached to and forming part of this By-Law as Schedule "A" between the Corporation of the City of Kenora and 4 Real Developments.
2. **THAT** upon execution of the agreement attached hereto by the parties, the Corporation of the City of Kenora does grant to 4 Real Developments, a licence to use and occupy that portion of the untravelled portion of Chipman Street as described in the attached agreement, and according with the terms and conditions set out therein.
3. **THAT** this By-Law shall come into force and be in effect from and after the final passing thereof.
4. **THAT** By-law Number 61-2001 is hereby repealed.

BY-LAW READ a First & Second time this 16 day of July 2001

BY-LAW READ a Third & Final time this 16 day of July 2001

THE CORPORATION OF THE CITY OF KENORA:

.....**MAYOR**
David Canfield

.....**CLERK**
Joanne McMillin

THIS AGREEMENT made this Sixteenth day of July, 2001

BETWEEN:

The Corporation of the City of Kenora
(hereinafter called "the City")

OF THE FIRST PART

~ and ~

4 Real Developments
(hereinafter called "4 Real")

OF THE SECOND PART

WHEREAS 4 Real is the owner of certain lands and premises known as the "Bergman Building" having pedestrian access from Chipman Street; and

WHEREAS 4 Real is desirous of providing wheelchair access to the premises; and

WHEREAS the City has agreed to permit an access ramp to be constructed on the sidewalk of Chipman Street;

NOW THEREFORE the parties hereto covenant and agree as follows: -

1. 4 Real is hereby granted a licence by the City of Kenora to construct and maintain stairs and an access ramp "the facility" at the entrance to 115 Chipman Street in accordance with the attached sketch dated March, 2001 by Channel Technical Services.
2. 4 Real hereby agrees to be solely responsible for the construction and maintenance of the facility, including snow removal, sanding and application of salt, as may be required during the winter.
3. 4 Real hereby agrees to indemnify and save harmless the City from any and all claims or demands arising from the construction, use or maintenance of the facility.
4. The City may terminate the licence at any time on six (6) months notice in writing to 4 Real.
5. In the event that this licence is terminated, 4 Real shall remove the facility at its own expense, and restore the highway and sidewalk to its prior condition within fourteen (14) days of the termination.

