

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NO. 26-2002

**A BY-LAW TO ACQUIRE CERTAIN LANDS FROM
CANADIAN PACIFIC RAILWAY FOR THE PURPOSES
OF A SEWER AND WATERMAIN EASEMENT AGREEMENT**

WHEREAS the Corporation of the City of Kenora deems it necessary to acquire certain easements for sewer and water lines.

AND WHEREAS the Corporation of the City of Kenora has reached an Agreement with CANADIAN PACIFIC RAILWAY COMPANY to acquire certain lands for the purpose of a Sewer and Watermain Easement.

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

1. **THAT** the Corporation of the City of Kenora has acquired from CANADIAN PACIFIC RAILWAY COMPANY an easement across part of the Canadian Pacific Railway Station Grounds, being part of the Hudson's Bay Company Reserve, designated as Part 2 on Plan 23R-10509, in the Town of Kenora, now City of Kenora, in the District of Kenora, as described in the Transfer of Easement, registered as Instrument Number 31202, dated the 16th of January, 2002, in the register for the District of Kenora, for the purpose of a Sewer and Watermain Easement, as further described on Schedule A attached hereto.
2. **THAT** the purchase price of the said Easement shall not exceed the sum of One Dollar (\$1.00).
3. **THAT** the Mayor and Clerk be and are hereby authorized to execute any documents in conjunction with this transaction.
4. **THAT** this By-Law shall come into force and be in effect from and after the final passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 25th DAY OF FEBRUARY, 2002.

BY-LAW READ A THIRD AND FINAL TIME THIS 25th DAY OF FEBRUARY, 2002.

THE CORPORATION OF THE CITY OF KENORA

PER: 
DAVID CANFIELD - MAYOR

PER: 
JOANNE MCMILLIN - CITY CLERK

SCHEDULE "A"

SCHEDULE

- (1) **THE TRANSFEROR** hereby transfers to the Transferee, its successors and assigns and easement or right and licence in the nature of an easement at any time to enter upon the Lands of the Transferor described in Box (5), for the purpose of installing, constructing, operating, using, maintaining, inspecting, altering, repairing, reconstructing, renewing and replacing and make additions to sewer (storm and/or sanitary), and/or water services (hereinafter referred to as "the services") and/or any part thereof, including all necessary manholes, fixtures, and equipment and all appurtenances thereto, upon, over, in, under and the said property being ***Part of the Canadian Pacific Railway Station Grounds, being part of the Hudson's Bay Company Reserve, designated as Part 2, Plan 23R-10509, in the City of Kenora, District of Kenora***, and related appurtenances incidental thereto the Service, in, under, along, upon and through the Lands, and for every such purpose the Transferee shall have access to the Lands at all times by its servants, employees, workers, agents, contractors and sub-contractors, along with all necessary plant, machinery, material, vehicles and equipment.
- (2) For the purposes of installing, constructing, operating, using, maintaining, inspecting, altering, repairing, reconstructing and replacing the Service, and related appurtenances incidental thereto, the Lands are to remain clear of and unencumbered by buildings, structures, improvements or expensive landscaping (other than approved in writing by the Transferee's City Engineer), no fill shall be deposited on the Lands without the written approval of the City Engineer, nor shall any other thing be done which might injure or damage the work or render more costly the restoration of the Lands.
- (3) The Transferee covenants that as soon as is reasonably possible after completion of any of the work set out, it will repair or restore the Lands as nearly as is reasonably practicable to the conditions existing prior to such work being undertaken.
- (4) The Transferee covenants and agrees that this document and everything contained herein shall extend to and include its successors and assigns.
- (5) The easement is for the benefit of the adjoining public highway, being Ninth Avenue South, (formerly Hamilton Street) which is vested in the Corporation of the City of Kenora.
- (6) The City agrees to grant a partial discharge of this easement once the specific services have been surveyed for that portion of the above mentioned land not required for the said services.