

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 144 - 2004

A BY-LAW TO ACQUIRE CERTAIN LANDS FROM  
GREGORY SCOTT COMPTON AND GWENDOLYN FAY COMPTON  
FOR THE PURPOSES OF A DRAINAGE EASEMENT AGREEMENT.

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WHEREAS the Corporation of the City of Kenora deems it necessary to acquire certain easements for a drainage easement; and

WHEREAS the Corporation of the City of Kenora has reached an Agreement with Gregory Scott Compton and Gwendolyn Fay Compton to acquire certain lands for the purpose of a drainage easement over certain lands; and

WHEREAS the Corporation of the City of Kenora (formerly Town of Keewatin) has acquired an easement across that part of Tenth Street, as shown on Plan 18, lying south of Lake Street (now known as Keewatin Beach Road), Town of Keewatin, now the City of Kenora, in the District of Kenora, designated as Part 7 on Plan 23R-7985, for the purpose of a drainage easement, registered as Instrument Number 25270, dated February 28, 1990 as set forth; and

WHEREAS the Corporation of the City of Kenora wishes to amend the said easement by attaching hereto Schedule "A" , which forms part of this By-Law.

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 acquire from Gregory Scott Compton and Gwendolyn Fay Compton a drainage easement over Part 7 on Plan 23R-7985, as set forth in the Transfer of Easement and Schedule "A" attached hereto.
2. THAT this drainage easement shall include and formalize the easement reserved to the Corporation of the City of Kenora, (formerly Town of Keewatin) in Instrument Number 25270, dated February 28, 1990.
3. THAT the purchase price of the said Easement shall not exceed the sum of One Dollar (\$1.00).
4. THAT the Mayor and Clerk be and are hereby authorized to execute any documents in conjunction with this transaction.
5. 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 22 day of November 2004  
BY-LAW READ A THIRD AND FINAL TIME this 22 day of November 2004

THE CORPORATION OF THE CITY OF KENORA:

Per: \_\_\_\_\_ D. Canfield MAYOR

Per: \_\_\_\_\_ J. McMillin CLERK

## SCHEDULE "A" TO BY-LAW NUMBER 144-2004

1. THE TRANSFEROR hereby grants an easement, or right and licence in the nature of an easement to enter upon the lands of the Transferor described in Box 5 at any time for the purpose of laying down and constructing, maintaining, inspecting, altering and repairing drainage ditches and drains for water, and related appurtenances incidental thereto (the works), along and upon the lands, and keeping and maintaining same at all times in good condition and repair and for every such purpose the Transferee shall have access to the lands at all times by its servants, employees, workers, agents and contractors along with the necessary machinery, material, vehicles and equipment.

2. FOR THE PURPOSE of constructing, maintaining, inspecting, altering and repairing the works described in Paragraph 1 above and related appurtenances incidental thereto, the lands are to remain clear of and unencumbered by building, structures, improvements or expensive landscaping, no fill shall be deposited on the said lands without the written approval of the Transferee, nor shall any other thing be done which might injure or damage the said works or render more costly the restoration of the lands.

3. THE TRANSFEEE 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 TRANSFEEE covenants and agrees that this document and everything contained herein shall extend to and include its successors and assigns.