

**THE CORPORATION OF THE CITY OF KENORA**

**BY-LAW NUMBER 54 – 2005**

**A BY-LAW TO ESTABLISH A ROAD AS A HIGHWAY (Rippling Water Development Inc. Subdivision) and to Discharge Obligations under a Subdivision Agreement between Rippling Water Development Inc. and the City of Kenora**

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**WHEREAS** Subsection 31 of The Municipal Act, R.S.O., 2001, provides that a Council of a local municipality may, by by-law, establish a highway; and

**WHEREAS** after January 1, 2003, land may only become a highway by virtue of a by-law passed under subsection (1); and

**WHEREAS** the City of Kenora entered into a Subdivision Agreement with Rippling Water Development Inc. (the Developer), which subdivision agreement is binding against the title of the subdivision lands described as Parts of Parcels Plan 1-1 to 20-1, inclusive, all Sections of 23M-934 designated as Parts 1 to 44 inclusive, Plan 23R-10827, which Agreement provided for construction, maintenance and repair of roads and the collection of certain fees and financial contributions; and

**WHEREAS** upon completion of all obligations under the Subdivision Agreement, financial, servicing and otherwise, and upon the Developer agreeing to release the City of Kenora from all of its obligations under the Subdivision Agreement, the City of Kenora is prepared to release the Developer from all its obligations under the Subdivision Agreement; and

**WHEREAS** the City of Kenora Operations Manager has advised that all of the obligations of the Developer respecting the construction, maintenance and repair of the roads under the Subdivision Agreement have been completed to the City's satisfaction, and therefore the City is prepared to assume the roads and road allowances within the Subdivision Lands;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF KENORA ENACTS AS FOLLOWS:**

1. THAT the City of Kenora assumes the lands indicated on the plan of subdivision 23M.934, City of Kenora, as Riverbend Lane, Islandview Lane and Lost Lane;
2. THAT the lands indicated on the plan of subdivision 23M.934 as Riverbend Lane and Islandview Lane be, and the same, are established and laid out as a public highway;
3. THAT Lost Lane is to remain as an unopened lane;
4. THAT upon confirmation by the Manager of Finance and Administration that all financial obligations have been fulfilled and upon confirmation by the Municipal Engineer that all outstanding obligations have been completed and upon the Developer agreeing to release the City of Kenora, the Municipal Engineer and City Clerk are authorized to execute a Certificate of Release of all obligations and a Certificate of Acceptance under the Subdivision Agreement; and

5. THAT the Municipal Treasurer is hereby authorized to refund the amount of \$29,982.34, being the holdback amount less administrative and legal fees associated with the assumption of the works as set out in the Subdivision Agreement.
6. THAT this By-law shall take effect and come into force upon third and final reading thereof;

**By-law read a First and Second Time this 25th day of April, 2005**  
**By-law read a Third and Final Time this day of 25th day of April, 2005**

**THE CORPORATION OF THE CITY OF KENORA**

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

.....**Joanne L. McMillin, CLERK**