

**THE CORPORATION OF THE CITY OF KENORA**

**BY-LAW NUMBER 167- 2005**

**A BY-LAW TO ESTABLISH A ROAD AS A HIGHWAY (D.E.M.M. HOLDINGS INC. – EAGLE SHORES SUBDIVISION) AND TO DISCHARGE OBLIGATIONS UNDER A SUBDIVISION AGREEMENT BETWEEN D.E.M.M. HOLDINGS 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 D.E.M.M. Holdings Inc. (the Developer), which subdivision agreement is binding against the title of the subdivision lands described as Plan 23M.933 Lots 1-25, inclusive, Blocks 29-33 inclusive and a road named Eagle Bay Road, 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, the City of Kenora is prepared, by passing of this by-law, 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.933, City of Kenora, as Eagle Bay Road;
2. THAT the lands indicated on the plan of subdivision 23M.933 as Eagle Bay Road be, and the same are, established and laid out as a public highway;
3. THAT the Municipal Treasurer is hereby authorized to refund the irrevocable letter of credit, associated with the assumption of the works as set out in the Subdivision Agreement;
4. THAT, by this by-law, the City of Kenora hereby certifies that all Works authorized pursuant to the Subdivision Agreement dated 26<sup>th</sup> November, 2001 between the City and the Owner have been completed and accepted in accordance with the requirements for Certificate of Acceptance set out in Section 41 of the Subdivision agreement referred to herein;
5. THAT this Certificate of Release shall operate as a discharge of all obligations of the Owner under the Subdivision Agreement dated the 26<sup>th</sup> day of November, 2001 between the Owner and the City of Kenora with the exception of the Owner's and all subsequent registered owners' responsibility for drainage as provided 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 12<sup>th</sup> day of December, 2005**  
**By-law read a Third and Final Time this 12<sup>th</sup> day of December, 2005**

**THE CORPORATION OF THE CITY OF KENORA**

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

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