

**THE CORPORATION OF THE CITY OF KENORA**

**BY-LAW NUMBER 168 – 2005**

**A BY-LAW TO ESTABLISH A ROAD AS A HIGHWAY (PRE-KAY ENTERPRISES LTD. – ROUND LAKE RIDGE SUBDIVISION) AND TO DISCHARGE OBLIGATIONS UNDER A SUBDIVISION AGREEMENT BETWEEN PRE-KAY ENTERPRISES LTD. 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 Pre-Kay Enterprises Ltd. (the Developer), which subdivision agreement is binding against the title of the subdivision lands described as Plan 23M.904 Lots 1-32, inclusive, Blocks 30-36 inclusive and roads named Sunrise Place and Sunset Place, which Agreement provided for construction, maintenance and repair of roads and the collection of certain fees and financial contributions; and

**WHEREAS** upon the Developer having met or completed 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, by passing of this by-law, is prepared to release the Developer from all its obligations under the Subdivision Agreement; and

**WHEREAS** the City of Kenora Municipal Engineer 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, described as Sunrise Place and Sunset Place;
2. THAT the lands indicated on the plan of subdivision 23M.904 Sunrise Place and Sunset Place be, and the same are, established and laid out as a public highway;
3. THAT by the passing of this By-law and upon the Developer agreeing to release the City of Kenora from all of its obligations under the Subdivision Agreement, the City of Kenora releases the Developer from all its obligations under the Subdivision Agreement; and
4. 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 12th 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, CITY CLERK**