

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 133 – 2006

A BY-LAW TO ESTABLISH A ROAD AS A HIGHWAY

.....
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 Development Agreement with Robert Battigelli. (the Developer), which agreement is binding against the title of the lands described as Concession 1 of Melick, North Part of Lot 3, Parcel Number 6851, North of Black Sturgeon Lake, and Parts of Plan 23R – 10998, now in the City of Kenora, District of Kenora, 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 Development Agreement, financial, servicing and otherwise, and upon the Developer agreeing to release the City of Kenora from all of its obligations under the Development 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 Development Agreement have been completed to the City’s satisfaction, and therefore the City is prepared to assume the roads and road allowances within the subject Lands;

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

1. THAT lands affected by the conditions of consent were acquired by the City for the purposes of a highway and further
2. THAT the City of Kenora accepts and assumes Battigelli Drive into the City’s road inventory, per the recommendation of the Road Supervisor.
3. THAT the Corporation of the City of Kenora has acquired, from Robert Battigelli, a part of property described as Part of Parcel 6851, Part of Broken Lot3, Concession1, Township of Melick, now in the City of Kenora, District of Kenora, and designated as Part 1 on Plan 23R-10998, to be assumed as a highway for public/municipal purposes;
4. THAT the portion of the road, described as Part 1 Plan 23R-10998, is hereby named Battigelli Drive;
5. 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 Development Agreement; and
6. THAT the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction.
7. THAT this By-law shall take effect and come into force from and after the final passing thereof.

By-law read a First and Second Time this 25th day of September, 2006
By-law read a Third and Final Time this 25th day of September, 2006

THE CORPORATION OF THE CITY OF KENORA

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

.....**Paulette M. Grouda, D/CLERK**