

**THE CORPORATION OF THE CITY OF KENORA**

**BY-LAW NUMBER 16 – 2010**

**A BY-LAW TO ESTABLISH A ROAD AS A HIGHWAY (M & L Developments Ltd. Subdivision)  
and to Discharge Obligations under a Subdivision Agreement between M & L Development Ltd.  
and the City of Kenora**

---

**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 M & L Development Ltd. (the Developer), which subdivision agreement is binding against the title of the subdivision lands described as Plan of Subdivision 23M.953, 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.953, City of Kenora, as Peterson Drive;
2. THAT the lands indicated on the plan of subdivision 23M.953 as Peterson Drive be, and the same are, established and laid out as a public highway;
3. 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
4. THAT the Municipal Treasurer is hereby authorized to refund the amount of \$16,000 plus interest to the date of issuance of the cheque by the City of Kenora, being the holdback amount less administrative and legal fees associated with the assumption of the works as set out in the Subdivision Agreement.
5. 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 18 day of January, 2010**

**By-law read a Third and Final Time this 18 day of January, 2010**

**THE CORPORATION OF THE CITY OF KENORA**

.....Leonard P. Compton, MAYOR

.....Joanne L. McMillin, CITY CLERK