

The Corporation of the City of Kenora

By-law Number 62 – 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 release financial security, in the form of an irrevocable standby letter of credit, number BMTO226200OS issued on August 12, 2008, by Bank of Montreal.
5. THAT this By-law shall take effect and come into force upon third and final reading thereof;
6. THAT By-law Number 16-2010 be and is hereby repealed.

By-law read a First and Second Time this 19th day of April, 2010
By-law read a Third and Final Time this day of 19th day of April, 2010

THE CORPORATION OF THE CITY OF KENORA

.....**L. P. Compton, MAYOR**

.....**H. L. Kasprick, D/CLERK**