

**The Corporation of the City of Kenora
By-law Number 129 – 2011**

A By-law to establish a Road as a Highway (Williams Road 23M 954) Subdivision) and to Discharge Obligations under a Subdivision Agreement between 1703591 Ontario 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 **1703591 Ontario Inc.** (the Developer), which subdivision agreement is binding against the title of the subdivision lands described as all Sections of 23M-954 designated as Parts 1 to 19 and Blocks 20 and 21 inclusive, Plan 23R-11737, 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.954, City of Kenora, as Williams Road, including Block 20 and Block 21;
2. That the lands indicated on the plan of subdivision 23M.954 as Williams Road and Block 20 be, and the same are, established and laid out as a public highway;
3. That Block 20 is to remain as an unopened road allowance;
4. That by the adoption of this By-law confirmation is given that all financial obligations have been fulfilled and that all outstanding obligations with respect to the construction of the Williams Road, including Block 20 on 23M 954 have been completed;
5. That the adoption of this By-law shall operate as a discharge of all obligations of the Owner under the Agreement with the exception of the Owner's responsibility for drainage as provided in the subdivision agreement; and
6. That the Municipal Treasurer is hereby authorized to refund the amount of \$43,807.69, being the holdback amount associated with the assumption of the works as set out in the Subdivision Agreement, as amended.
7. 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 21st day of November, 2011
By-law read a Third and Final Time this 21st day of November, 2011**

The Corporation of the City of Kenora

.....**David Canfield, Mayor**

.....**Joanne L. McMillin, Clerk**