

# **The Corporation of the City of Kenora**

## **By-Law Number 131 - 2019**

### **A By-Law to Authorize an Agreement with the Kenora District Services Board for the Sale of Lands**

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WHEREAS it is advisable and expedient to enter into the arrangements hereinbefore described,

NOW THEREFORE The Council of The Corporation of the City of Kenora ENACTS AS FOLLOWS:

The Corporation of the City of Kenora is hereby authorized to enter into an agreement substantially in the form attached hereto as Schedule "A" with Kenora District Services Board for the sale of the lands as described therein.

2. The Acting Chief Administrative Officer is authorized to sign the agreement on behalf of the Corporation and to affix the seal of the Corporation thereto.
3. The Acting Chief Administrative Officer is authorized to execute such documents and take such action as he considers necessary or expedient to complete the aforementioned transaction and is authorized to make such changes to the form of Agreement as he deems appropriate in his discretion in order to permit the completion of the transaction.
4. This By-law shall come into force and take effect upon the final passing hereof.

**By-Law Read a First and Second time this 10<sup>th</sup> day of September, 2019**

**By-Law Read a Third and Final time this 10<sup>th</sup> day of September, 2019**

**The Corporation of the City of Kenora:-**

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**Daniel Reynard, Mayor**

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**Heather L. Pihulak, City Clerk**

## Declaration of Possession

Province of Ontario	)	In the Matter of the title to
	)	
	)	See Attached
	)	
To Wit:	)	And in the Mater of the Sale Thereof to
	)	Kenora District Services Board

I, Heather L. Pihulak, of the City of Kenora, in the District of Kenora, Solemnly Declare as follows:

1. THAT I am the Acting Chief Administrative Officer of the Corporation and, as such, have full knowledge of the facts hereinafter declared.
2. The Corporation of the City of Kenora is the registered owner of the above mentioned lands either personally or by its tenants, has been in the actual, peaceable, continuous, exclusive, open, undisturbed and undisputed possession and occupation thereof since it received a conveyance thereof.
3. That save and except any taxes and local improvement rates charged thereon there is no encumbrance or easement whatsoever affecting the said lands. I have never heard of any claim of easement affecting the lands, either for light, drainage, or right of way or otherwise.
4. That the Corporation's possession and occupation of the above mentioned lands have been undisturbed throughout by any action, suit or other proceedings or adverse possession or otherwise on the part of any person whomsoever and during such possession and occupation no payment has ever been made or acknowledgement of title given by it, or, so far as I know, by anyone else, to any person in respect of any right, title, interest or claim upon the said lands. That I am are not aware of any person or persons or corporations having any claim or interest in the said lands or any part thereof adverse to or inconsistent with our title and I am positive that none such exists.
5. That the deeds, evidences of title and other papers which have been produced by us are all the title deeds, evidences of title and other papers relating to the title to the said lands that are in our possession or power and that to the best of my knowledge and belief the said title deeds and papers produced and this declaration and the registered title fully and fairly disclose all facts material to the title claimed by the Corporation and all contracts and dealings which affect the same or any part thereof so far as I have any knowledge thereof.
6. That there are no construction liens registered against the said lands nor any claims for which such liens could be registered as all such have been paid in full.
7. That the said dealing with the land does not contravene the provisions of the Planning Act, as the Corporation of the City of Kenora is a municipal corporation.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me )  
At the City of Kenora )  
In the District of Kenora )  
In the Province of Ontario )  
This 10<sup>th</sup> day of September, 2019 ) \_\_\_\_\_  
Heather L. Pihulak, Acting Chief Administrative Officer

A Commissioner, etc.

FIRSTLY

PCL 2771 SEC DKF SRO; LANE PL M63 LYING E OF LOT 33 PL M63 & W OF LOTS 34, 35, 36 & PT OF LOT 37 PL M63 & N OF PT 4, 23R77 48; KE NORA

BEING ALL OF THE PIN 42168-0227(LT)

SECONDLY

PCL 2771 SEC DKF SRO; LANE PL M63 LYING S OF LOTS 25-33 PL M63 & N OF LOTS 70-78 PL M63; KENORA

BEING ALL OF THE PIN 42168-0228(L T)

THIRDLY

PCL 5895 SEC DKF; LT 34 PL M63; LT 35 PL M63; LT 36 PL M63; LT 37 PL M63 EXCEPTING THEREOUT ALL MINES, MINERALS AND MINING RIGHTS, THE OWNERSHIP HAVING BEEN SEVERED UNDER TRANSFER LT1437; KENORA

BEING ALL OF THE PIN 42168-0146(LT)

FOURTHLY

PCL 11501 SEC DKF; LT 32 PL M63; LT 33 PL M63 EXCEPTING THEREOUT ALL MINES, MINERALS AND MINING RIGHTS, THE OWNERSHIP HAVING BEEN SEVERED UNDER TRANSFER L T1437; KENORA

BEING ALL OF THE PIN 42168-0145(L T)

FIFTHLY

PCL 5895 SEC DKF; LT 25 PL M63; LT 26 PL M63; LT 27 PL M63; LT 28 PL M63; LT 29 PL M63; LT 30 PL M63; LT 31 PL M63 EXCEPTING THEREOUT ALL MINES, MINERALS AND MINING RIGHTS, THE OWNERSHIP HAVING BEEN SEVERED UNDER TRANSFER LT1437; KENORA

BEING ALL OF THE PIN 42168-0144(LT)

**STATUTORY DECLARATION**

In the Matter of the Sale of

See Attached

To the Kenora District Services Board

I, Heather L. Pihulak, Acting Chief Administrative Officer, of the City of Kenora, in the District of Kenora, SOLEMNLY DECLARE as follows:

- 1. THAT I am the Acting Chief Administrative Officer of the Corporation and, as such, have full knowledge of the facts hereinafter declared.
- 2. THAT I am at least 18 years old.
- 3. THAT The Corporation of the City of Kenora is an Ontario Municipal Corporation in good standing and has not been dissolved.
- 4. THAT by virtue of its incorporation as an Ontario Municipal Corporation, it is not a non-resident of Canada.
- 5. THAT I have authority to bind the Corporation.
- 6. THAT no part of the property has been used or occupied by the officers, directors or shareholders of the Corporation, or their respective spouses as a family residence for the purposes of and within the meaning of the Family Law Act (Ontario).

AND I make this Solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me )  
 At the City of Kenora )  
 In the District of Kenora )  
 In the Province of Ontario )  
 This 10<sup>th</sup> day of September, 2019 ) \_\_\_\_\_  
 Heather L. Pihulak, Acting Chief Administrative Officer

A Commissioner, etc.

FIRSTLY

PCL 2771 SEC DKF SRO; LANE PL M63 LYING E OF LOT 33 PL M63 & W OF LOTS 34, 35, 36 & PT OF LT 37 PL M63 & N OF PT 4, 23R77 48; KENORA

BEING ALL OF THE PIN 42168-0227(L T)

SECONDLY

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BEING ALL OF THE PIN 42168-0144(LT)

## Authorization and Direction Re: Funds

To: Vermeer & Van Wallegghem  
Barristers, Solicitors, Notaries Public  
65 King Street  
PO Box 938  
Dryden, ON P8N 2Z5

And To: Kenora District Services Board

RE: Firstly

PCL 2771 SEC DKF SRO; LANE PL M63 LYING E OF LOT 33 PL M63 & W OF LOTS 34, 35, 36 & PT OF LT 37 PL M63 & N OF PT 4, 23R77 48; KENORA

BEING ALL OF THE PIN 42168-0227(L T)

SECONDLY

PCL 2771 SEC DKF SRO; LANE PL M63 LYING S OF LOTS 25-33 PL M63 & N OF LOTS 70-78 PL M63; KENORA

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BEING ALL OF THE PIN 42168-0144(LT)

THE CORPORATION OF THE CITY OF KENORA HEREBY AUTHORIZES AND DIRECTS you to pay the proceeds of the sale of the above-noted property to its Solicitors herein, McKITRICKS, 17 A South Cumberland Street, Thunder Bay, Ontario, P7B 2T3, or as they may further direct.

AND for so doing this shall be your good and sufficient authority.

Dated: at the City of Kenora, ON this 10<sup>th</sup> day of September, 2019

**The Corporation of the City of Kenora:-**

Per:

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Heather L. Pihulak, Acting Chief Administrative Officer

Authorization and Direction Re: Amendments & Corrections

To: McKittricks  
Barristers & Solicitors  
17A S. Cumberland St.  
Thunder Bay, ON P7B 2T3

RE: Firstly

PCL 2771 SEC DKF SRO; LANE PL M63 LYING E OF LOT 33 PL M63 & W OF LOTS 34, 35, 36 & PT OF LT 37 PL M63 & N OF PT 4, 23R7748; KENORA

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BEING ALL OF THE PIN 42168-0144(LT)

Sale to Kenora District Services Board

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You are hereby AUTHORIZED AND DIRECTED to make any revisions, amendments, alterations, corrections or additions which may be reasonably required, with respect to the documentation which I/we have executed, in order to permit you to complete this transaction.

Dated: at the City of Kenora, ON this 10<sup>th</sup> day of September, 2019

The Corporation of the City of Kenora:-

Per:

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Heather L. Pihulak, Acting Chief Administrative Officer