

**CORPORATION OF
THE TOWNSHIP OF WHITEWATER REGION**

BY-LAW # 06-01-221

**Being a By-Law to authorize the Reeve and CAO to execute an Agreement with
Wilderness Tours For maintenance of a Drainage Ditch.**


WHEREAS Section 11(1) of the Ontario Municipal Act, 2001 allows Council to enter into agreements;

AND FURTHER that the Municipal Council for the Township of Whitewater Region deems it necessary to enter into an agreement with Wilderness Tours for the maintenance of a Drainage Ditch


THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts that:

1. The Head of Council and the CAO are hereby authorized to enter into an agreement (Schedule "A") with Wilderness Tours for the maintenance of a Drainage Ditch.

READ a First, Second and finally passed on the Third Reading this 18TH day of January, 2006



REEVE



CAO/CLERK

AGREEMENT

MADE THIS 19th DAY OF *January* 2006.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

(hereinafter referred to as “the Municipality”)

- and -

WILDERNESS TOURS

(hereinafter referred to as “the Landowner”)

WHEREAS the Township of Ross the predecessor to the Corporation of the Township of Whitewater Region constructed a drainage ditch across the lands of the above-mentioned landowner approximately twenty years ago.

AND WHEREAS the said drainage ditch was constructed to provide proper drainage for the municipal road which was reconstructed at that time subsequently designated as the Rafting Road.

AND WHEREAS there was a verbal agreement between the parties hereto that the Municipality would each spring ensure that the drainage ditch was cleared of ice and snow so that the water drained freely to its outlet in Broome’s Creek.

AND WHEREAS the parties have agreed to enter into a formal agreement.

AND THEREFORE in consideration of the mutual covenants hereinafter agreed to in the sum of \$2.00 receipt whereof is hereby acknowledged and the parties hereto agree as follows:

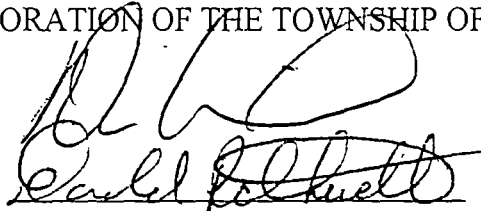
1. The Parties hereto agree that the approximate location of the drainage ditch referred to herein is shown in red on the attached sketch described as Schedule “A” said drainage ditch commencing at the municipal Rafting Road over Lot 13, Concession 10, Township of Ross, in the Whitewater Region and constructed toward and having its outlet in Broome’s Creek.
2. The Municipality agrees that in each spring during the spring freshette that it will maintain the said ditch free of ice and snow so that the water flows freely and the landowner agrees that providing the Municipality inspects and cleans the ditch each spring to ensure that it is free of obstacles it shall not be responsible for any damage caused by flooding as a result of the existence of the said drainage ditch.

3. The Parties agree that all expenses with respect to the drafting and registration of a Notice of Agreement on title shall be born by the landowner.
4. This agreement shall be binding on the parties hereto, their successors and assigns and the Owners from time to time of the lands.

IN WITNESS WHEREOF the Parties have hereunto affixed their respective corporate seals attested by the signatures of their proper officers the day and year first above written.

CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

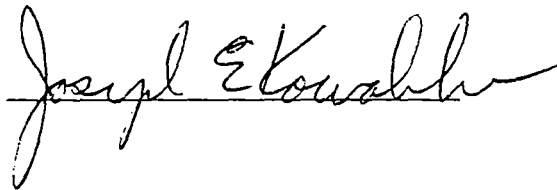
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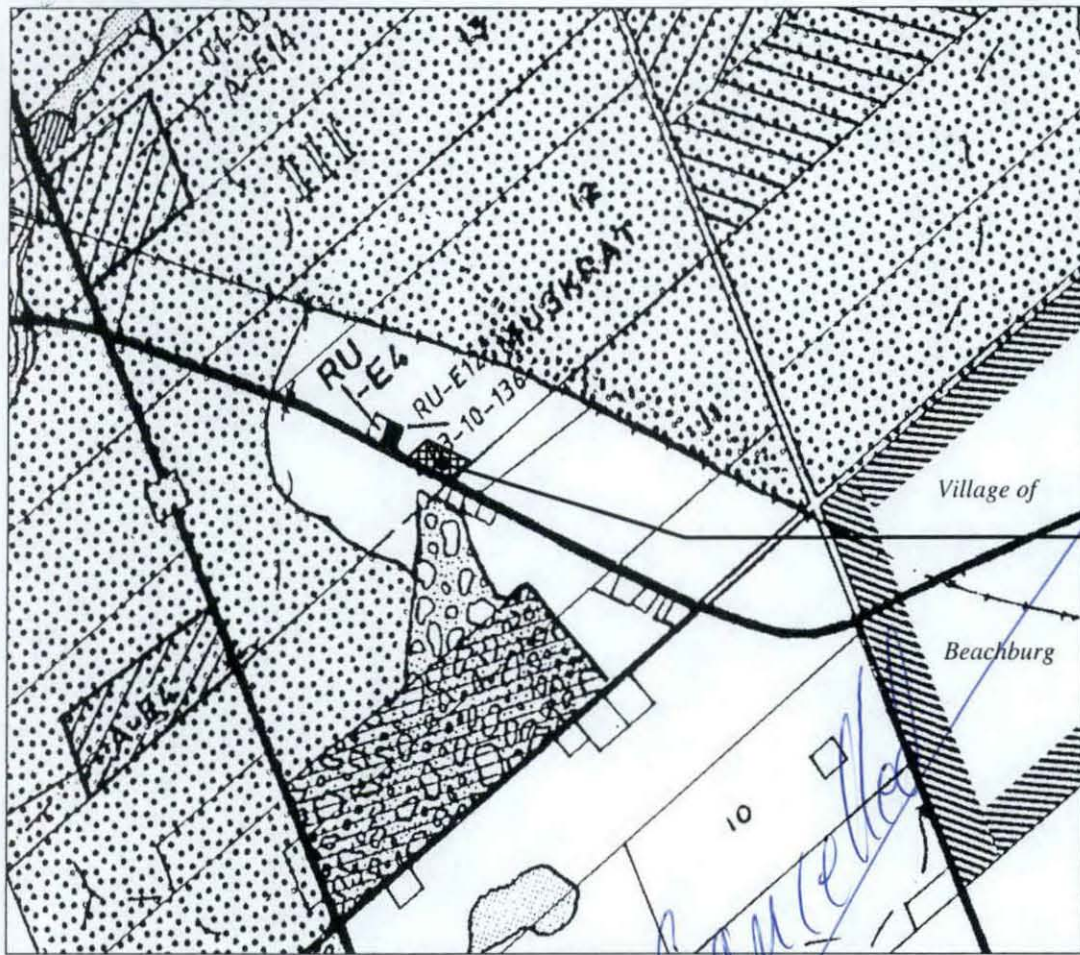
Carol Polk

WILDERNESS TOURS

per:



Joseph Kouah



From RU
to RU-E16



1:15,840

CORPORATION OF THE
TOWNSHIP OF WHITEWATER REGION

This is Schedule "A" to By-law Number 00-01-221
Passed the 19th day of January 2000.
Signatures of Signing Officers:

David Mitchell
Reeve

[Signature]
CAO/Clerk

LEGEND

Agriculture (A)

Rural (RU)

Environmental Protection (EP)

Extractive Industrial (EM)

Extractive Industrial Reserve (EMR)

-E1 Exception Zone

Area affected by this Amendment
From RU to RU-E16