

**THE CORPORATION OF  
TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NUMBER 10-06-435**

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**A By-Law authorizing the Township to enter into a Development Agreement with Donald Matthews**

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**WHEREAS** Donald Matthews is the owner of PT LT 9 CON A, CLF WESTMEATH, TOWNSHIP OF WHITEWATER REGION;

**AND WHEREAS** Donald Matthews has applied to the County of Renfrew for consent approval(s) of residential lot File Number(s) B58/09(1) and B59/09(2), and such approval(s) dated the 28<sup>th</sup> day of April, 2010 have been granted subject to the execution and registration of a Consent Agreement between the Owner and the Township be on title;

**AND WHEREAS** Section 53(12) of the Planning Act, R.S.O. 1990, c.P.13, affords council the same powers with respect to a consent as the approval authority has with respect to an approval of a plan of subdivision under Section 51 (25) of the Planning Act;

**AND WHEREAS** Section 51(26) of the Planning Act provides for the Municipality to enter into an Agreement as a condition of the Consent Process of a lot which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land;

**AND WHEREAS** Donald Matthews has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Consent Agreement;

**NOW THEREFORE** the Council of the Corporation of the Township of Whitewater Region hereby ENACTS AS FOLLOWS:


1. **THAT** The Corporation of the Township of Whitewater Region enter into a Consent Agreements with Donald Matthews, which the agreements are attached and marked as Schedule "A" & "B" to this By-law.
2. **THAT** the Council of the Township of Whitewater Region hereby authorize the execution of the Consent Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Consent Agreement together with all documents relating thereto, and further, to make such other motions as may be necessary to complete this matter.

THIS BYLAW shall come into effect upon the passing thereof and subsequent registration at the Land Registry Office for the Registry Division for the County of Renfrew.

**This By-law given FIRST and SECOND reading this 7<sup>th</sup> day of July, 2010**

**This By-law read a THIRD time and finally passed this 7<sup>th</sup> day of July, 2010**

  
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Mayor, Donald Rathwell

  
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Dean Sauriol, CAO/Clerk

Schedule "A" to Bylaw 10-06-435

CONSENT AGREEMENT

AGREEMENT

BETWEEN:

The Corporation of the Township of Whitewater Region

"Hereinafter referred to as the Municipality"

- and -

Donald Matthews

"Hereinafter referred to as the Owner"

WHEREAS the Owner is the owner of lands legally described as being Part of Lot 9, Concession A, CLF in the Geographic Township of Westmeath now in the Township of Whitewater Region in the County of Renfrew in accordance with Schedule "1" attached hereto.

AND WHEREAS the Owner has applied to the County of Renfrew for consent approval of residential lot File No. B58/09(1) such approval has been given on the 8<sup>th</sup> day of April 2010 subject to certain conditions.

AND WHEREAS the Ontario Planning Act in Sections 53(12) and Section 51(26) provide for the municipality to enter into an Agreement as a condition of approval of the sub-division which agreement may be supported by Notice on Title.


THEREFORE IN CONSIDERATION of the granting of severance the Owner hereto covenant and agrees as follows:

1. That the Hydrogeological Report dated August 19<sup>th</sup>, 2009 prepared by Kollaard Associates shall be registered on title.
2. In accordance with the Ministry of Environment requirements, the Medical Officer of Health shall be notified when sodium levels are above 20 milligrams per litre in order for this information to be relayed to physicians.
3. All future property owners must be notified that the bedrock water quality may exhibit hardness, iron and manganese. Water softeners and manganese greensand filters should be adequate to lower hardness, iron and manganese to within Ontario Drinking Water

4. That the remaining vegetated areas within the area of the water setback of both the retained and severed lands be protected from further vegetation clearing and site alteration. All the trees and understory vegetation should be maintained, with the exception of a narrow path and cleared area for docking, if required.
5. The Owner of Parts 5, 6 and 7 of Reference Plan 49R-17043 hereby agrees that the subject lot is served by a private road described as Part 2 on Plan 49R-13775 which road is not maintained by the Municipality and for which the Municipality has no responsibility for maintenance or services. It is further understood that the Municipality does not plan to provide any road maintenance or services and that the road need only be suitable for the passage of emergency vehicles.
6. The Owner agrees that this Agreement shall be binding on subsequent purchases and further agrees to register Notice of the said Agreement on title of the subject land and further agrees to notify any subsequent purchaser of the existence for this Agreement.

Dated at Cobden, Ontario this *7th* day of July, 2010.

The Corporation of the Township of Whitewater Region

Per: 

Name: Donald Rathwell

Title: Mayor

Per: 

Name: Dean Sauriol

Title: Chief Administrative Officer

Dated at Pembroke, Ontario this                      day of June, 2010.

Donald Matthews

SCHEDULE "1"

Part of Lot 9, Concession A, Coulonge Lake Front, Designated as Parts 5, 6 & 7 on Plan 49R-17043, Westmeath, Together With a Right-of-Way over Part 8 on Plan 49R-17043, Township of Whitewater Region, County of Renfrew

**Schedule "B" to Bylaw 10-06-435**

**CONSENT AGREEMENT**

**AGREEMENT**

**BETWEEN:**

**The Corporation of the Township of Whitewater Region**

**"Hereinafter referred to as the Municipality"**

**- and -**

**Donald Matthews**

**"Hereinafter referred to as the Owner"**

**WHEREAS** the Owner is the owner of lands legally described as being Part of Lot 9, Concession A, CLF in the Geographic Township of Westmeath now in the Township of Whitewater Region in the County of Renfrew in accordance with Schedule "1" attached hereto.

**AND WHEREAS** the Owner has applied to the County of Renfrew for consent approval of residential lot File No. B59/09(2) such approval has been given on the 8<sup>th</sup> day of April 2010 subject to certain conditions.

**AND WHEREAS** the Ontario Planning Act in Sections 53(12) and Section 51(26) provide for the municipality to enter into an Agreement as a condition of approval of the sub-division which agreement may be supported by Notice on Title.

**THEREFORE IN CONSIDERATION** of the granting of severance the Owner hereto covenant and agrees as follows:

7. That the Hydrogeological Report dated August 19<sup>th</sup>, 2009 prepared by Kollaard Associates shall be registered on title.
8. In accordance with the Ministry of Environment requirements, the Medical Officer of Health shall be notified when sodium levels are above 20 milligrams per litre in order for this information to be relayed to physicians.
9. All future property owners must be notified that the bedrock water quality may exhibit hardness, iron and manganese. Water softeners and manganese greensand filters should be adequate to lower hardness, iron and manganese to within Ontario Drinking Water Standards (ODWS).

10. That the remaining vegetated areas within the area of the water setback of both the retained and severed lands be protected from further vegetation clearing and site alteration. All the trees and understory vegetation should be maintained, with the exception of a narrow path and cleared area for docking, if required.
11. The Owner of Parts 1, 2 and 3 of Reference Plan 49R-17043 hereby agrees that the subject lot is served by a private road described as Part 2 on Plan 49R-13775 which road is not maintained by the Municipality and for which the Municipality has no responsibility for maintenance or services. It is further understood that the Municipality does not plan to provide any road maintenance or services and that the road need only be suitable for the passage of emergency vehicles.
12. The Owner agrees that this Agreement shall be binding on subsequent purchases and further agrees to register Notice of the said Agreement on title of the subject land and further agrees to notify any subsequent purchaser of the existence for this Agreement.

Dated at Cobden, Ontario this

7<sup>th</sup> day of ~~June~~ July, 2010.

The Corporation of the Township of Whitewater Region

Per:

Name: Donald Rathwell

Title: Mayor

Per:

Name: Jean Sauriol

Title: Chief Administrative Officer

Dated at Pembroke, Ontario this

day of June, 2010.

Donald Matthews

**SCHEDULE "1"**

Part of Lot 9, Concession A, Coulonge Lake Front, Designated as Parts 1, 2 & 3 on Plan 49R-17043, Westmeath, Together With a Right-of-Way over Part 4 on Plan 49R-17043, Township of Whitewater Region, County of Renfrew