

THE CORPORATION OF  
THE TOWNSHIP OF WHITEWATER REGION

By-Law # 11-06-491

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Permission to utilize Unopened Road Allowance - Powers Road

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**WHEREAS** the Municipal Act Chapter 25, Statutes of Ontario 2001 Section 11 (4) provides that lower tier municipalities have jurisdiction with respect to Use of Public Road Allowances;

WHEREAS the lands hereinafter described are an unopened road allowance;

WHEREAS land is required by an owner for access purposes;

BE IT RESOLVED THAT

1. The Municipal Council for the Corporation of the Township of Whitewater Region hereby enter into an agreement with John and Susan McCulloch in order to grant permission and establish conditions associated with the use of an unopened road allowance known as Powers Road. The registration of this agreement shall be at the owners expense.
2. The Mayor and the Chief Administrative Officer are hereby authorized to execute the attached agreement.

This By-law given FIRST and SECOND reading this 22<sup>nd</sup> day of June, 2011

This By-law read a THIRD time and finally passed this 22<sup>nd</sup> day of June, 2011

  
MAYOR Tom Labow

  
CAO/Clerk

THIS AGREEMENT made effective the            day of June, 2011.

BETWEEN:

THE TOWNSHIP OF WHITEWATER REGION  
44 Main Street, Cobden, Ontario  
(referred to as the "Township")

AND:

JOHN McCULLOCH and SUSAN McCULLOCH  
5355 Driscoll Drive, Manotick, Ontario  
(referred to as the "Owners")

Whereas the Owners are the owners of the property described as Part of Lot 5, Concession 5, east of Muskrat Lake, Westmeath now in the Township of Whitewater Region as set out in Instrument No. R215694 and fronting on the unopened road allowance which is an extension of Powers Road, all as shown on the attached sketch.

And Whereas the Township owns the unopened road allowance leading to the Owners' property.

And Whereas the Owners desire to use that part of the said unopened road allowance leading to their property.

In consideration of the sum of \$1.00 and other good and valuable consideration, the Township allows the Owners to use the unopened road allowance leading to the Owners' property on the following conditions:

1. The Owners shall be responsible for all maintenance of the unopened road allowance leading to the Owners' property.
2. Use of the unopened road allowance will continue to be public and not for the exclusive use of the Owners.
3. The Owners shall obtain prior approval from the Township prior to commencing and maintenance or repair of the said road allowance.
4. The Owners' acknowledge that the road allowance has not been assumed by the Township.
5. The Township will post a sign to the effect that the road allowance has not been assumed by the Township and advising all parties that use of the road allowance shall be at their own risk.

- 6. If any of the provisions of this agreement are invalid, such provisions shall be considered separate and severable and the remaining provisions shall remain in full force and effect.
- 7. This agreement shall be binding upon the heirs, trustees, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed these presents the day and year first above written.

SIGNED, SEALED AND DELIVERED )

) TOWNSHIP OF WHITEWATER REGION

) Per: \_\_\_\_\_

) Per: \_\_\_\_\_

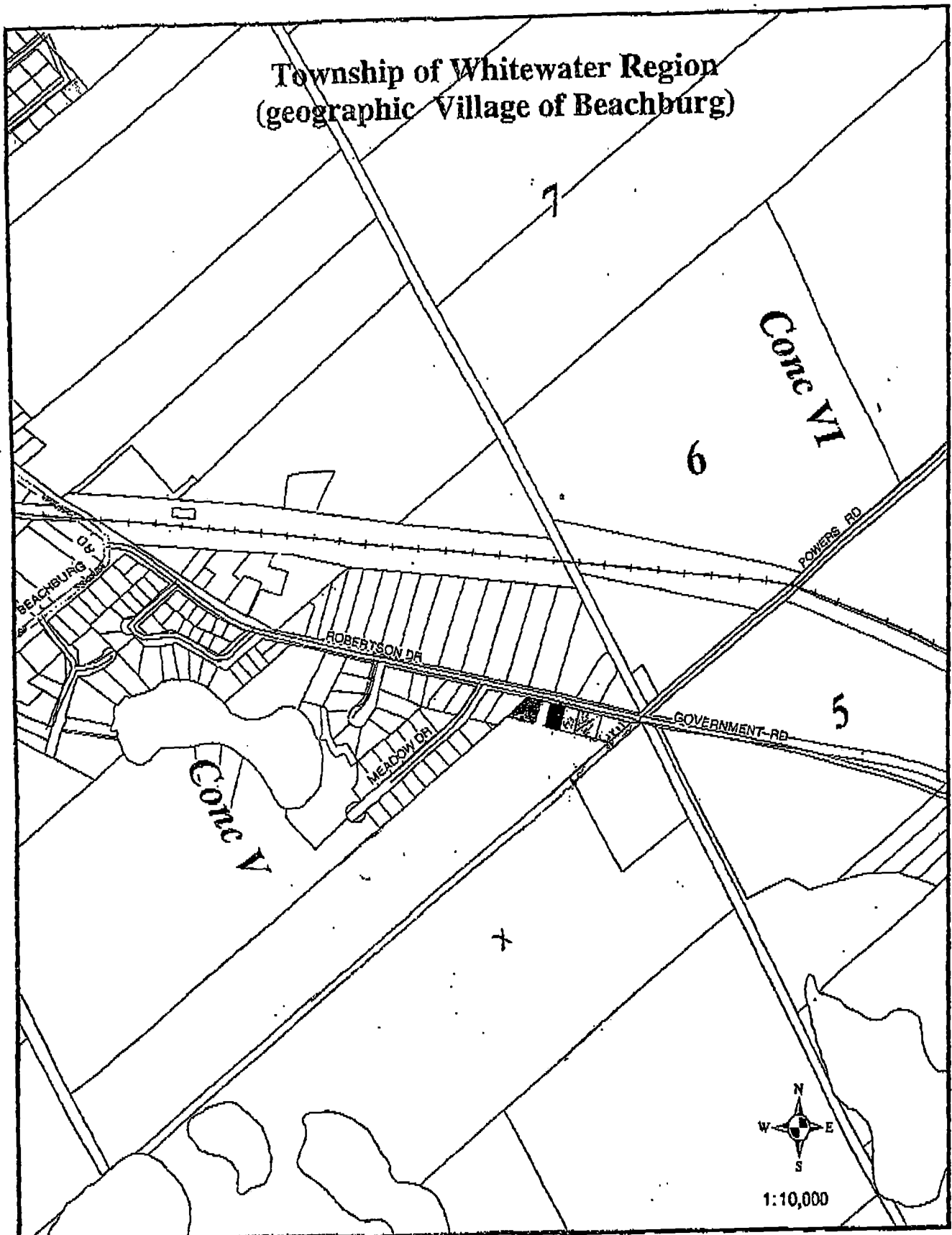
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as to the signature of John McCulloch )

\_\_\_\_\_  
JOHN McCULLOCH )

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as to the signature of Susan McCulloch )

\_\_\_\_\_  
SUSAN McCULLOCH )

# Key Map



SUBJECT PROPERTY  
REQUESTED OPENING OF ROAD ALLOWANCE