

**THE CORPORATION OF
TOWNSHIP OF WHITEWATER REGION**

BY-LAW NUMBER 13-01-585

**A By-Law authorizing the Township to enter into a Drainage Agreement
with Martin & Catherine Vereyken**

WHEREAS Martin & Catherine Vereyken are the owners of PT LT 8 CON 5, BEACHBURG, TOWNSHIP OF WHITEWATER REGION;

AND WHEREAS Martin & Catherine Vereyken have applied to the County of Renfrew for consent approval(s) of residential lot File Numbers B150/11(1), B151/11(2), B152/11(3) and such approval(s) dated the 5th day of March, 2012 have been granted subject to the Owners meeting the requirements of the municipality with respect to a drainage plan and a drainage ditch be constructed to the satisfaction of the municipality;

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 approval of subdivision of a lot which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land;

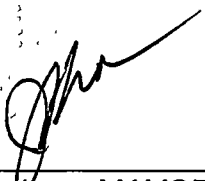
NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region hereby ENACTS AS FOLLOWS:

1. **THAT** The Corporation of the Township of Whitewater Region enter into a Drainage Agreement with Martin & Catherine Vereyken, which agreement is attached and marked as Schedule "A" to this By-law.
2. **THAT** the Council of the Township of Whitewater Region hereby authorize the execution of the Drainage Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Drainage 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.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 13-01-585 are hereby repealed.

Passed this 9th day of January, 2013.



Jim Labow, MAYOR



Christine FitzSimons, CAO/CLERK

THIS AGREEMENT made this 9th day of January, 2012 3

BETWEEN:

MARTIN VEREYKEN

And

CATHERINE VEREYKEN

(hereinafter called the "Owners")

PARTY OF THE FIRST PART

AND

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

(hereinafter called the "Municipality")

PARTY OF THE SECOND PART

WHEREAS the Owners hereby warrants that they are the owners in fee simple of the lands described in Schedule "A" attached hereto (hereinafter called the "Subject Lands")

AND WHEREAS the Owners has applied to the Land Division Committee for the County of Renfrew (Applications B150/11(1), B151/11(2), and B152/11(3)) for consents pursuant to the provisions of the Planning Act, R.S.O., 1990, Chapter P.13.

AND WHEREAS the aforesaid applications for consent were granted by the Land Division Committee on condition that the Owners meet the requirements of the municipality with respect to a drainage plan and future development plans.

AND WHEREAS the aforesaid applications for consent were granted by the Land Division Committee on condition that the Owners convey an easement for drainage to the municipality and a drainage ditch be constructed to the satisfaction of the municipality.

AND WHEREAS this Agreement is being entered into between the Owners and the Municipality in satisfaction of the Conditions of Consent Nos. 2 and 3 in the above noted Land Divisions Committee files pursuant to Sections 53 (12) and 51 (26) of the

Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE this Agreement witnesseth that in consideration of the premises and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by the parties hereto) the parties hereto agree as follows:

1. The Owners acknowledges and agrees that this Agreement shall apply to the Subject Lands.
2. The Owners acknowledges and agrees to the insertion of a clause in all offers of purchase, sale or lease agreements advising prospective purchasers or tenants of any lands within the boundaries of the Corporation of the Township of Whitewater Region of the following:
 - a) The Corporation of the Township of Whitewater Region recognizes the importance of municipal road drainage, and to that end, the Township will not issue building permits until construction in accordance with the Drainage Plan attached to this agreement as Schedule "B" is complete, for the subject lands. For greater clarity, this provision only refers to the ditch clearing in front of B150/11(1), B151/11(2), and B152/11(3), and the realignment of the ditch through B152/11(3).
 - b) Maintenance and rehabilitation standards of municipal infrastructure and services may vary from time-to-time and are restricted by the annual budgetary limitations of the Township.
3. The Owners hereby acknowledges that the subject lands are to be developed in accordance with the Drainage Plan attached to this Agreement marked as Schedule "B". The Drainage Plan includes mitigation measures which are intended ensure that municipal roadways and future residential lands are properly drained, now and in the future. The mitigation measures may be amended from time to time by the Municipality.
4. The Owners hereby consent and agree that this Agreement shall be registered on title to the Subject Lands at the sole expense of the Owners and that the Township Clerk be so notified of the registration.
5. The Owners hereby warrants to the Municipality that the recitals to this Agreement are true.
6. This Agreement shall enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, successors in title and assigns.

IN WITNESS WHEREOF the parties hereto hereby set their hands and the corporate

parties hereto hereby set their corporate seals attested to by the hands of the proper signing officers duly authorized in that regard.

SIGNED, SEALED AND DELIVERED
In the presence of

[Signature] *[Signature]*
Witness Martin Vereyken

[Signature] *[Signature]*
 Catherine Vereyken

REGION

THE CORPORATION OF THE
TOWNSHIP OF WHITEWATER

[Signature]
Per: Jim Labow, Mayor

[Signature]
Per: ~~Annette Mantel~~, Treasurer/Deputy
CAO Christine FitzSimons, CAO/Clerk

SCHEDULE "A"

**Schedule "A" refers to Parts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 on Registered Plan
49R - 17973.**

 **Jp2g Consultants Inc.**

ENGINEERS ■ PLANNERS ■ PROJECT MANAGERS

J.M. Janota, P.Eng., M.Sc.
J.E. Hunton, MCIIP, RPP

November 2, 2012

Township of Whitewater Region, Municipal Office
PO Box 40
44 Main Street
Cobden ON
K0J 1K0

ATTN: Annette Mantifel , Treasurer and Deputy CAO,

Dear Ms. Mantifel;

Re: Drainage Plan for Vera Crescent Rev. 4,
Former Village of Beachburg,
Now in the Township of Whitewater Region,
Severance File Nos. B150/11(1), B151/11(2), B152/11(3),
Our File # 2097360A

Further to our discussions and meetings we have prepared this letter and the enclosed information as a Revised Drainage Plan that is to address Item 2 of the Conditions of Consent for Severance Nos. B150/11(1), B151/11(2), B152/11(3). This condition states: "That the Applicants meet the requirements of the municipality with respect to a drainage plan and future development plans".

This Drainage Plan has been prepared in accordance with our understanding of the discussions that took place at a meeting at the Township of Whitewater Region Municipal Offices on September 10th 2012 and subsequent meetings and communications. The meetings were attended by Township staff including Annette Mantifel, Bill Misener, Doug Schultz, and Dean Sauriol and the undersigned. The information that is enclosed includes:

- An 8.5x11 sized Existing Conditions Plan detailing the existing drainage,
- An 8.5x11 sized Drainage Plan, Revision 3, dated October 19, 2012,
- A copy of the conditions of consent for the severances

It is understood that the current conditions on Vera Crescent and Cameron Street are not conducive towards draining the existing municipal ditches, which remain wet year-round due to a combination of the flat ditch grades and high ground water table. Bulrushes and cattails grow in the municipal ditches, which further impedes drainage flow. It is also understood that the undeveloped lands to the east of Vera Crescent are relatively flat decreasing in elevation to east towards a stream that flows through the property. The Existing Conditions Plan shows an existing ditch that conveys drainage from Vera Crescent towards a private pond that we understand was constructed with the development of Vera Crescent. This pond does not have an outlet and therefore provides limited drainage for the municipal ditches. The pond also contains water of an unknown depth and is surrounded by a chain link fence.

The severance conditions state that the Applicant must prepare a drainage plan for their proposed development. Based on our site observations, topographic survey work, and consultations with municipal staff to date, we have determined that this drainage requirement could be met by cleaning the ditches in front of the lots, realigning the existing ditch over proposed Lot 3 closer to Lot 2 and outletting it into the existing open ditch that leads to the existing pond. This is noted on the attached Proposed Drainage Plan, Revision 3, dated October 19, 2012.

Should a development proposal come forward for the retained lands to the northeast, the piped system could be continued at that time to the Northeastern stream shown on the attached plans. Drainage access to this stream provides a good and sufficient outlet for the drainage from Vera Crescent and Cameron Street as well as any future lands to be developed. Once the drainage system reaches the stream, the existing pond could be filled in, while retaining a drainage ditch to the outlet. An easement over B152/11(3) and the retained lands should also be conveyed to the municipality in order to secure access to the ditch for maintenance purposes. The ditch currently has a maximum depth of approximately 1.6 metres relative to the adjacent land. Given ditch side slopes of 2:1 and 3 metres required for equipment access, the width of such an easement should be approximately 9.4 m wide (31 ft.) and include the existing ditch and the private pond.

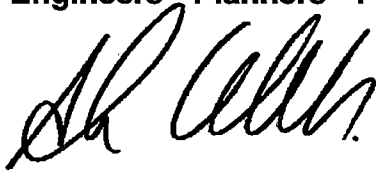
With regards to cost sharing, based on our discussions regarding the benefitting lands and what would be equitable to each party, we would like to offer the following recommendations for your consideration:

1. The Township would be responsible for all cost associated with any future storm sewer installation along both the south leg of Vera Crescent and Cameron Street. These are existing municipal ditches that Council have identified as being in need of improvements. This section is shown in teal on the attached plan.
2. The Developer of the three (3) severances fronting the east leg of Vera Crescent would be 50% responsible for the ditching improvements for these lots. The municipality would be responsible for the other 50% of the cost. This section is shown in pink on the attached plan.
3. The ditch realignment through proposed lot 3 and ensuring it rejoins the existing ditch would be 100% the responsibility of the developer. This section is shown in red on the attached plan.
4. Future development proposals in the vicinity should be reviewed regarding the merits of introducing a piped system towards the pond/stream. This section is shown as a green line and arrow on the attached plan. The developer would also be responsible for cleaning this ditch out and cutting brush to provide the municipality with a 10 foot access route for future maintenance. This 10 foot access should be located on the south side of the ditch.
5. The outlet to the stream is to be at the discretion of the municipality, with respect to its requirement, design, and cost sharing. These items could be reviewed at the time a future development proposal is brought forward. This section is noted with an orange line and arrow on the attached plan.

The intent of this letter is to address Condition of Consent No. 2 for Severance Nos. B150/11(1), B151/11(2), B152/11(3). If the Township is satisfied, then we will instruct the owner to have the easement documentation, noted as Condition No. 3, prepared. We would further recommend that the actual construction of the drainage improvements in this report not be completed at this time and rather they would be implemented through an agreement between the Township of Whitewater Region and the current land Owners, with the agreement being registered on title of the three lots.

We trust that this is satisfactory for your needs. If there are any questions regarding this letter, or the attached information, please do not hesitate to contact our office.

Yours truly,
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

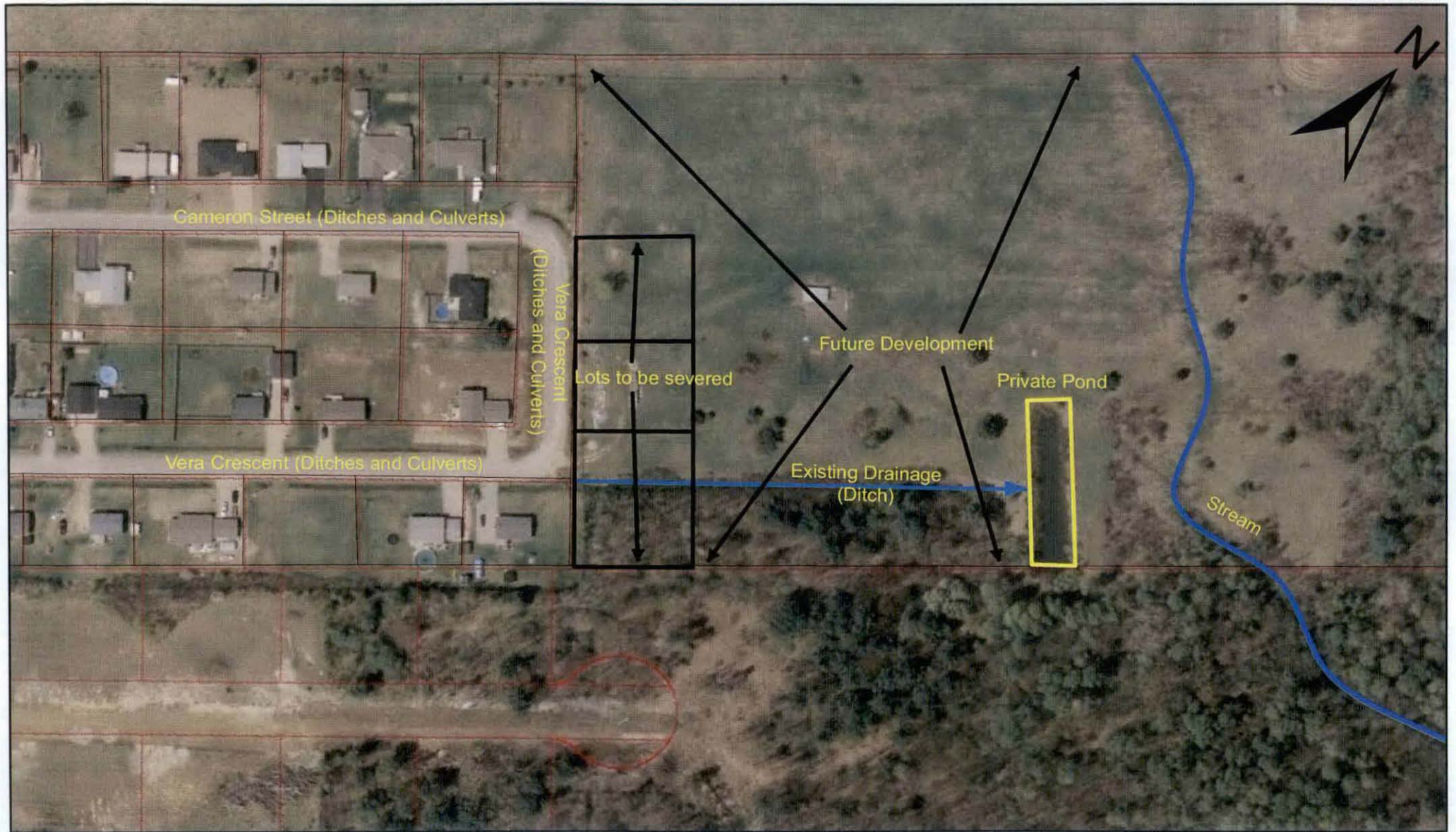


Steven Webster, P.Eng.
Principal, Pembroke Office Manager

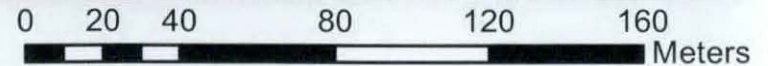
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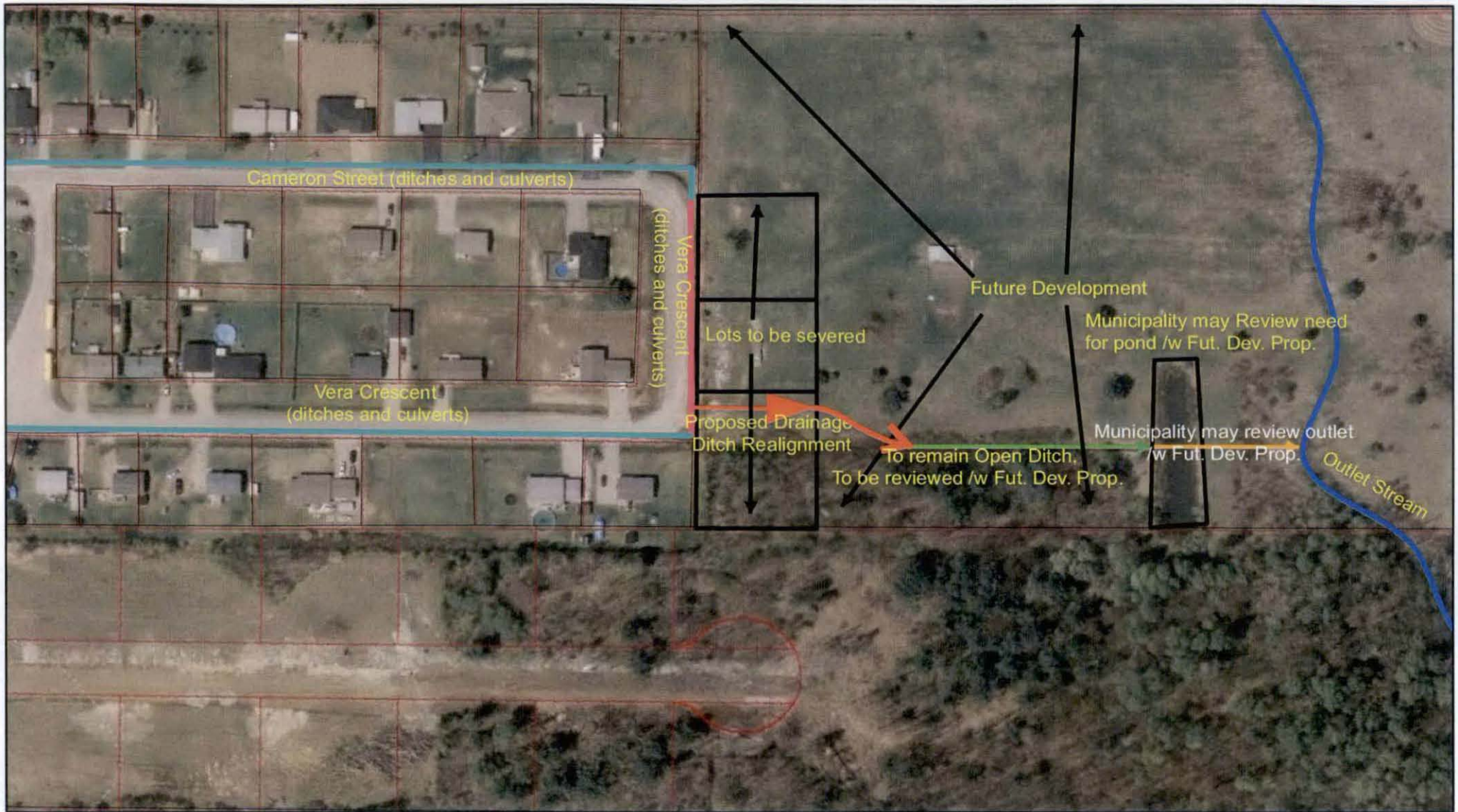
Existing Conditions Plan - Vera Crescent and Cameron Street



Ditches along Vera and Cameron exhibit limited drainage. The ditch bottoms are wet year round with cattails and bullrushes growing up. The existing drainage ditch transports water to a private pond, from which no outlet for this drainage is provided.



Proposed Drainage Plan Vera Crescent and Cameron Street



Proposed Cost Sharing

- Township of Whitewater Region - 100%
- Township / Developer - 50 % ea.
- Developer of Severances - 100 %
- Future Developer and Township - To Be Determined
- Future Developer and Township - To Be Determined

Notes

The Drainage Plan allocates cost sharing between the parties in an equitable manner based on the benefits received. Once a proposal for the Future Development has been made, then a determination of that portion of the cost sharing can proceed.