

**CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION**

**BY-LAW # 13-03-597**

---

**Being a By-Law to authorize the Mayor and CAO to execute an Access Agreement with Bonnechere Excavating Inc.**

---

**WHEREAS** pursuant to the Municipal Act, .S.O. 2001 as amended, a Council may enter into agreements;


**AND FURTHER** that the Municipal Council for the Township of Whitewater Region deem it necessary to enter into an agreement with Bonnechere Excavating Inc. (BEI) regarding the execution of an Access Agreement to allow BEI access to their lands in Part Lot 402 and 403, and Part Block E, Plan 65, Township of Whitewater Region being all of PIN 57230-0193 (LT).

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

1. The Mayor and the CAO are hereby authorized to execute this Access Agreement between Bonnechere Excavating Inc. and the Township of Whitewater Region as in Schedule "A" attached hereto.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 13-03-597 are hereby repealed.

Passed this 6th day of March, 2013

  
\_\_\_\_\_  
MAYOR Jim Labow

  
\_\_\_\_\_  
CAO/CLERK Christine FitzSimons



LAWYERS

F. Allan Huckabone, Q.C. (Retired)  
Matthew J. Bradley  
Dwight Montgomery

Delbert A. O'Brien, Q.C., Juris D. (Retired)  
Tracy Lyle

M.Wm. Instance  
Mark Huckabone

January 28, 2013

Please Reply To PEMBROKE Office  
E-Mail: [williami@hsolawyers.com](mailto:williami@hsolawyers.com)  
Direct Line 613-735-2345  
Ext. 322

Corporation Of The Township Of Whitewater Region  
Attention: Ms. Christine FitzSimons  
P.O. Box 40  
44 Main Street  
Cobden, Ontario  
K0J 1K0



Dear Ms. FitzSimons:

**RE: ACCESS TO LANDS ISSUE  
BONNECHERE EXCAVATING INC. PURCHASE FROM JOHN WILLIAM WREN  
ROLL # 47-58-051-040-01133-0000 AND  
ROLL # 47-58-051-040-01102-0000**

I am advised by William Instance of our office that he is acting for Bonnechere Excavating Inc., who are in the process of buying lands from John William Wren. Mr. Wren had previously developed some of the lands (Plan 573), and as part of the Subdivision Agreement dealing with Plan 573 the Township became the owner of one foot reserves at the end of Wren Drive and Morrison Drive. The Township is also the owner of the turning circle at the end of Morrison Drive. As a result of the Township's ownership of the one foot reserve in the turning circle, Bonnechere Excavating Inc. would have no access to the lands that they are purchasing from Mr. Wren.

I understand that you have discussed the matter with Charles Cheesman, and Mr. Cheesman recommended that an Access Agreement be executed by Bonnechere Excavating Inc. and the Township. To that end I have prepared, on your behalf, the enclosed Agreement which would allow Bonnechere Excavating Inc. access to their lands while maintaining the Township's right to control development on said lands. Please review the Agreement and advise me whether or not it is satisfactory. I have provided Mr. Instance with a copy of the Agreement which he has reviewed with Bonnechere Excavating Inc.. I am advised that they are willing to sign the Agreement in its present form.

January 28, 2013  
Page 2

I look forward to hearing from you at your earliest convenience.

Yours very truly,



Matthew J. Bradley

MJB/cee  
Enclosure

THIS ACCESS AGREEMENT made this 31<sup>st</sup> day of January, 2013

BETWEEN:

**BONNECHERE EXCAVATING INC.**

(Hereinafter referred to as "BEI")

and

**THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION**

(Hereinafter referred to as the "Township")

**WHEREAS** BEI is the owner of lands in Part Lot 402 and 403, and Part Block E, Plan 65, Township of Whitewater Region being all of PIN 57230-0193 (LT) (hereinafter referred to as the "Lands").


**AND WHEREAS** the Township is the owner of lands described as Blocks 11, 12, 14 and 15, Plan 573, described in PINs 57230-0185 (LT), 57230-0186 (LT) and 57230-0189 (LT) (hereinafter referred to as the "Blocks"), which Blocks were conveyed to the Township by John W. Wren Construction Ltd.. It is acknowledged that the conveyance of the said lands was done in an effort to control the development of the Lands.

**AND WHEREAS** as a result of the conveyance of the aforementioned Blocks to the Township, BEI has no access to the Lands.

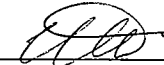
**NOW THEREFORE** in consideration of the mutual covenants hereinafter referred to, the parties hereto agree as follows:

1. The Township shall allow BEI, its employees and agents, including vehicles, to traverse the Blocks to gain access to the Lands.
2. The Lands shall remain bound by the provisions of Zoning By-Law 1989/14, which By-Law zones the Lands as Residential One - Holding Symbol (R1-Holding).
3. BEI agrees that the Lands shall not be developed until a Subdivision Agreement is executed by the Township and BEI.
4. This Agreement shall be binding on the parties hereto, their successors and assigns.

Dated at Renfrew, Ontario this 14<sup>th</sup> day of FEBRUARY, 2013.

  
Witness

Bonnechere Excavating Inc.

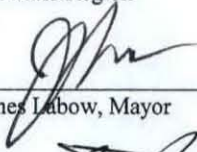
  
Per: Mark Enright, President  
I have the authority to bind the Corporation.

Dated at COBDEN

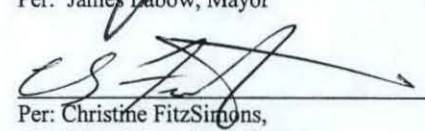
, Ontario this 6<sup>th</sup> day of MARCH 2013.

The Corporation Of The Township  
Of Whitewater Region

\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Per: James Labow, Mayor

\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Per: Christine FitzSimons,  
Chief Administrative Officer  
We have the authority to bind the Corporation.



Corporation of the Township of Whitewater Region  
P.O. Box 40  
44 Main Street  
Cobden, Ontario  
K0J 1K0

February 14, 2013

Attention: Ms. Christine FitzSimons

RECEIVED FEB 13 2013

**RE: Access to Lands Issue**  
**Property Owner – Bonnechere Excavating Inc.**  
**Roll #47-58-051-040-01133-0000 and**  
**Roll #47-58-051-040-01102-0000**


**CONFIDENTIAL**

Dear Ms. FitzSimons

This will confirm we are now the registered owners of the above noted lands. As you are aware, we currently have no access to the lands as a result of the Township owning one foot reserves at the end of Wren Drive and Morrison Drive. We requested, through our solicitor, William Instance, if we could have an Agreement with the Township providing us with access to the property, and to that end I believe you received a draft Agreement from Matthew Bradley allowing for such access. William Instance has advised me that you have some concerns regarding our proposed use of the property. I can indicate that in the long term it is our plan to develop the property into residential lots. In the short term I can indicate that we have no plans to use the lands for anything else. I can indicate that if we do plan to use the lands prior to development for any purpose, we would approach the Township in advance. At this time we would like to request a meeting, at your convenience, to discuss any concerns you may have as well as discuss the Townships interest in having this land developed and the timelines involved in doing so.

I hope this letter allays any fears that the Township has and that the Township will consider the signing of the Access Agreement, as amended.

Yours truly,

  
\_\_\_\_\_  
Mark Enright  
Bonnechere Excavating Inc.



# HUCKABONE • O'BRIEN • INSTANCE • BRADLEY • LYLE • LLP

## LAWYERS

F. Allan Huckabone, Q.C. (Retired)  
Matthew J. Bradley  
Dwight Montgomery

Delbert A. O'Brien, Q.C., Juris D. (Retired)  
Tracy Lyle

M.Wm. Instance  
Mark Huckabone

February 19, 2013

Please Reply To PEMBROKE Office  
E-Mail: [williami@hsolawyers.com](mailto:williami@hsolawyers.com)  
Direct Line 613-735-2345  
Ext. 322

Corporation Of The Township Of Whitewater Region  
Attention: Ms. Christine FitzSimons  
P.O. Box 40  
44 Main Street  
Cobden, Ontario  
K0J 1K0



Dear Ms. FitzSimons:

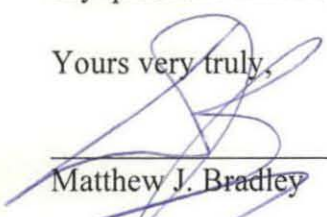
**RE: ACCESS TO LANDS ISSUE  
BONNECHERE EXCAVATING INC. PURCHASE FROM JOHN WILLIAM WREN  
ROLL # 47-58-051-040-01133-0000 AND  
ROLL # 47-58-051-040-01102-0000**

**CONFIDENTIAL**

Further to our letter to you dated January 28, 2013 and our subsequent conversation, enclosed are four copies of an amended Agreement, all of which have been signed by Bonnechere Excavating Inc.. I am also enclosing a letter dated February 14, 2013 from Bonnechere Excavating Inc. indicating the company has no plans to use the property in the short term, and that the long term plans are to develop the property for residential lots. I am advised that you will be meeting with Mark Enright of Bonnechere Excavating Inc. on Wednesday, February 20, 2013.

Given the content of the aforementioned letter and given the amendments made to the Agreement, I believe it would be appropriate to execute the Agreement at this time. Should however you have any questions with respect to the matter, please do not hesitate to give me a call.

Yours very truly,

  
Matthew J. Bradley

MJB/cee  
Enclosure