

**THE CORPORATION OF  
TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NUMBER 13-09-646**

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**A By-Law authorizing the Township to enter into a Development  
Agreement with Ottawa Valley Resource Management Inc.**

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**WHEREAS** Ottawa River Resource Management Inc. is the owner of Part of Lots 3 & 4, CON North Front A, WESTMEATH, as in R304197 TOWNSHIP OF WHITEWATER REGION;

**AND WHEREAS** Ottawa River Resource Management Inc. has applied to the County of Renfrew for consent approval of residential lots File Numbers B92/12(1), B93/12(2) and B94/12(3) and such approval dated the 5<sup>th</sup> of November, 2012 have been granted subject to the execution and registration of a Development 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 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;

**AND WHEREAS** Ottawa River Resource Management Inc. has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Development 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 Development Agreement with Ottawa River Resource Management Inc., 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 Development Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Development 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 13-09-646 are hereby repealed.

Passed this 4<sup>th</sup> day of September, 2013.

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

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

SCHEDULE "A" to By-Law 13-09-646

THIS AGREEMENT made this 4<sup>th</sup> day of September, 2013

BETWEEN:

**Ottawa Valley Resource Management Inc.**

(Hereinafter referred to as the "Owner")

and

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

(Hereinafter referred to as the "Municipality")

WHEREAS the Owner is the owner of lands legally described as being Part of lots 3 & 4, Concession North Front A, in the Geographic Township of Westmeath, as in R304197; now in the Township of Whitewater Region in the County of Renfrew in accordance with Schedule "A" attached hereto (Hereinafter referred to as the "Lands").

AND WHEREAS the Owner has applied to the County of Renfrew for consent to sever three residential lots (File No. B92/12(1), File No. B93/12(2) and File No. B94/12(3)) and such consent approval has been given on the 5<sup>th</sup> day of November, 2012 subject to certain conditions.

AND WHEREAS the Ontario Planning Act in Sections 53(12) and 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.

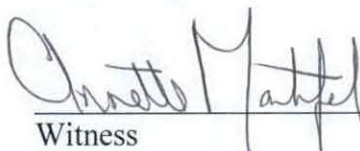
THEREFORE IN CONSIDERATION of the granting of severances, the Owner hereto covenant and agrees as follows:

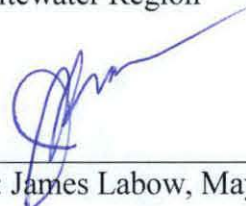
1. The Owner acknowledges and agrees that this Agreement shall apply to the Lands.
2. The Owner acknowledges and agrees that the Lands are to be developed in accordance with the recommendations outlined in the letter received from the Ministry of Natural Resources dated August 22, 2012 as follows:
  - a) Site alteration (including clearing and construction of dwellings) should be limited to an area as close as possible to Westmeath Road.

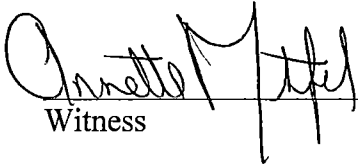
- b) Site alteration should occur outside of the time period of May 1<sup>st</sup> to September 30<sup>th</sup> which covers both turtle activity and bird breeding period.
  - c) If it is unfeasible to implement the above-mentioned timing condition then:
    - i) The building sites must be evaluated prior to building permits being issued to ensure Species at Risk (SAR) birds are not occupying the area proposed for building envelopes.
    - ii) The standard turtle mitigation measures should be used in the project area. Prior to starting work, the installation of silt screening (geotextile or similar) which has been pegged firmly into the ground should occur, in order to exclude turtles and prevent nesting in the area of work/activity. Any exposed piles of dirt should be covered with geotextile or tarps. Daily visual inspections of the work areas should take place each morning and any turtles found in work areas should be removed to a safe location on the other side of silt screening. Fencing or silt screens should be removed once the project is complete (after construction, regarding and heavy equipment use).
  - d) It is the responsibility of the property owner to identify endangered and threatened species and their habitat within the area prior to undertaking work and to ensure that the work/activity will not result in negative impacts.
3. This Agreement shall be binding on subsequent purchasers and the parties' successors and assigns. The Owner shall register a Notice of Agreement on the title of the Lands and shall notify any subsequent purchaser of the Lands of the existence of the Agreement by including a copy of the Agreement in any Agreement Of Purchase And Sale for the Lands.
4. This Agreement shall enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, successors in title and assigns.

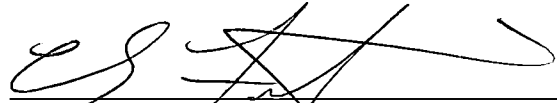
DATED at Cobden, Ontario this 4<sup>th</sup> day of September, 2013.

The Corporation of the Township of  
Whitewater Region

  
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Witness

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

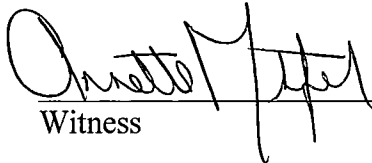
  
\_\_\_\_\_  
Witness


  
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Per: Christine FitzSimons  
Chief Administrative Officer

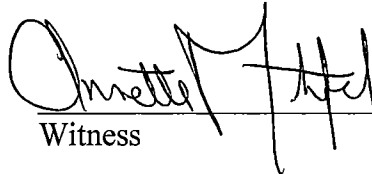
We have the authority to bind the  
Corporation.

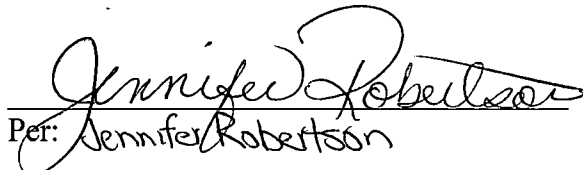
DATED at Cobden, Ontario this 13<sup>th</sup> day of September, 2013.

Ottawa Valley Resource Management Inc.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Per: Stacey Robertson

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Per: Jennifer Robertson

We have the authority to bind the  
Corporation

SCHEDULE "A"

**LEGAL DESCRIPTION OF THE LANDS:**

Part of Lots 3 & 4, Concession North Front A, Geographic Township of Westmeath,  
as in R304197; now in the Township of Whitewater Region, County of Renfrew.