

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

**BY-LAW NUMBER # 14-01-673**

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A By-Law to Authorize the Corporation of the Township of Whitewater Region to enter into an Agreement with Nagel Farms Ltd. to permit the construction of a dairy barn and manure storage and the usage of an existing farmhouse as a residence for a specified period.

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**WHEREAS** Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;


**AND WHEREAS** the Council of the Township of Whitewater Region has reviewed the attached agreement and is of the opinion that the attached agreement is desirable.

**NOW THEREFORE** the Council of the Township of Whitewater Region enacts as follows:

1. That the Mayor and Chief Administrative Officer be, and are hereby authorized and directed to execute the attached agreement to this By-Law on behalf of the Corporation of the Township of Whitewater Region and to affix to it the corporate seal of the Corporation of the Township of Whitewater Region.
2. That agreement attached hereto shall form a part of this By-Law.
3. This By-Law shall come into force and take effect upon the date of the final passing thereof.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 14-01-673 are hereby repealed.

PASSED this 8<sup>th</sup> day of January, 2014.

  
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Jim Labow, Mayor

  
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Christine FitzSimons, CAO/Clerk



## **AGREEMENT**

**BETWEEN:**

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

**“Hereinafter referred to as the Municipality”**

**- and -**

**Nagel Farms Ltd.**

**“Hereinafter referred to as the Owner”**

**WHEREAS** Nagel Farms Ltd. is the Owner of lands legally described as East Part of Lot 11, Con 8 EML in the geographic Township of Westmeath now in the Township of Whitewater Region and located at 1215 LaPasse Road on which an existing farmhouse is presently being utilized as a residence;

**AND WHEREAS** Nagel Farms Ltd. also being the Owner of lands legally described as Lot 10, Con 8 EML in the geographic Township of Westmeath now in the Township of Whitewater Region located across the LaPasse Road from the above mentioned property wishes to construct a dairy barn and manure storage on this land;

**AND WHEREAS** the Minimum Distance Separation (MDS) Formulae planning tool used to determine recommended separation distance between a proposed new dairy barn/manure storage and existing development has determined that the separation distance between the existing farmhouse and the new proposed dairy barn and manure storage does not conform to MDS setbacks;

**AND WHEREAS** the Parties have agreed to enter into an agreement permitting the construction of the dairy barn and manure storage provided that the existing farmhouse located at 1215 LaPasse Road be demolished within five (5) years from the date of the building permit for the dairy barn/manure storage being issued.

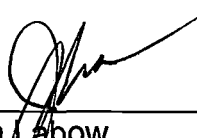
**THEREFORE IN CONSIDERATION** of the Municipality allowing a building permit to be issued for the construction of a dairy barn and manure storage located on the property described as Lot 10, Con 8 EML in the geographic Township of Westmeath now in the Township of Whitewater Region, the Parties hereto agree as follows:


1. The Owner acknowledges and agrees that the proposed new dairy barn and manure storage does not conform to the Minimum Distance Separation (MDS) setbacks from the existing farmhouse located at 1215 LaPasse Road and it will be non-conforming. As a condition of the minor variance (A7-2013), this agreement is a requirement.
2. The Owner acknowledges and agrees that a new dwelling will be constructed on the lands described as Lot 10, Con 8 EML in the geographic Township of Westmeath now in the Township of Whitewater Region and this new dwelling will replace the existing farmhouse located at 1215 LaPasse Road.
3. The Owner agrees that he will erect the new dwelling in accordance with the former Township of Westmeath Zoning By-law 98-13, the Minimum Distance Separation (MDS) setbacks and all other applicable by-laws. Upon mutual consent of this agreement the Municipality will issue all required permits once we have received the proper applications and all required documentation.

4. The Owner agrees that the existing farmhouse located at 1215 LaPasse Road will be removed at the expense of the Owner to the satisfaction of the Chief Municipal By-Law Officer within five (5) years or sooner of a building permit being issued for the new dairy barn/manure storage. If a later date is required, an extension must be given in writing, the decision being exclusively within the discretion of Council for the Municipality.
5. In the event the Owner fails to honor the terms of this Agreement, the Municipality will be at liberty to enter onto the property of the Owner and remove the existing farmhouse. All costs incurred by the Municipality in removing the said structure will be added as a lien on the property and collected the same as taxes.
6. The Owner agrees that the Municipality may, if it so desires, register notice of this Agreement on the Owner's title at the sole expense of the Owner.
7. This agreement shall ensure to the benefit of and be binding on the respective heirs, executors, administrators and assigns of each of the parties to it.

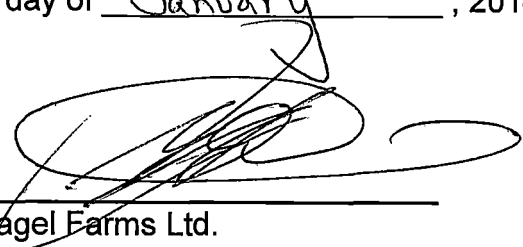
Dated at Cobden, Ontario this 8<sup>th</sup> day of January, 2014.

The Corporation of the Township of Whitewater  
Region

Per:   
Name: Jim Labow  
Title: Mayor

Per:   
Name: Christine FitzSimons  
Title: CAO/Clerk

Dated at Cobden, Ontario this 9<sup>th</sup> day of January, 2014.

  
Nagel Farms Ltd.