

**THE CORPORATION OF
TOWNSHIP OF WHITEWATER REGION**

BY-LAW NUMBER 14-05-719

A By-Law authorizing the Township to enter into a Development Agreement with Jacob and Grietje Rook

WHEREAS Jacob and Grietje Rook are the owners of Part of Lot 19, Concession 2 West of Muskrat Lake, Westmeath, being Parts 1 and 2 on Plan 49R-18168 now in the TOWNSHIP OF WHITEWATER REGION;

AND WHEREAS Jacob and Grietje Rook have applied to the County of Renfrew for consent approval of residential lot File Numbers B24/13(1) and B25/13(2) and such approval dated the 14th day of June, 2013 have been granted subject to the execution and registration of a Development Agreement between the Owner and the Township;

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 Jacob and Grietje Rook have asked the Council of the Corporation of the Township of Whitewater Region to enter into a Development Agreement;

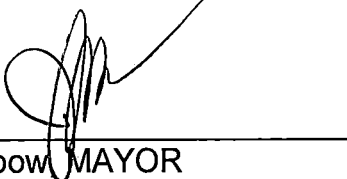
NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region hereby ENACTS AS FOLLOWS:

1. **THAT** The Corporation of the Township of Whitewater Region enter into a Development Agreement with Jacob and Grietje Rook, 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.

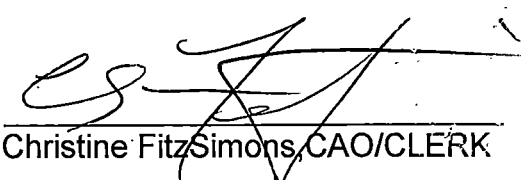
THIS BYLAW shall come into effect upon the passing thereof.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 14-05-719 are hereby repealed.

Passed this 21st day of May, 2014.



Jim Labow, MAYOR



Christine FitzSimons, CAO/CLERK

Schedule "A" to By-Law 14-05-719

THIS AGREEMENT made this 13th day of May, 2014

BETWEEN:

JACOB ROOK AND GRIETJE ROOK
(Hereinafter called the "Owner")
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 Owner hereby warrants that they are the owner in fee simple of the lands described in Schedule "A" attached hereto (hereinafter called the "Subject Lands")

AND WHEREAS the Owner has applied to the Land Division committee for the County of Renfrew (Applications B24/13(1) and B25/13(2) for consents pursuant to the provisions of the Planning Act, R.S.O. 1990, Chapter P.13.

AND WHEREAS this Agreement is being entered into between the Owner and the Municipality in satisfaction of Condition No. 2 in the above noted Land Division committee files pursuant to Sections 53(12) and 51(26) of the Planning Act, R.S.O. 1990, Chapter P.13.

AND WHEREAS the Municipality is of the opinion that it would not be proper or in the public interest to permit "Development" of the "Subject Lands" unless assurances are given by the "Owner" that matters referred to in this Agreement are carried out in the manner hereinafter set forth;

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 following schedules are attached hereto and form part of this Agreement:
"A" - Description of lands to which this Agreement applies;
"B" - Location Sketch of Building Envelope
2. A Detailed Road Noise Assessment Report (the "Report") was prepared by Jp2g Consultants Inc. dated December 18, 2012 relating to the Schedule "A" lands. The Report concluded that road noise will result in noise levels that are above some MOE criteria. These noise levels can be addressed through recommendations for the creation of a noise barrier, warning clauses placed on title, building locations, and building ventilation requirements. If these recommendations are followed, both lots will comply with MOE noise policy related to the development approvals for sensitive land uses adjacent to Roadways.
3. The recommendations are as follows:
 - i) Both Lots (Parts 1 and 2, Plan 49R-18168)
 - Buildings on these lots should be oriented towards Sutherland Road, located as close to the front lot lines as possible, and located as far way from Highway 17 as possible to maximize the noise mitigation available from the separation distance and from the existing buildings.
 - Bedrooms must not share a wall directly facing Highway 17.

- ii) Lot 1 (Part 2, Plan 49R-18168)
 - The dwelling should be oriented towards Sutherland Road and located as far away from Highway 17 as is permitted by local Zoning By-Laws.
 - A 2.0 metre high solid wood fence, without gaps, and having thickness not less than 3.0 inches should be constructed to protect the outdoor living area.
 - The future dwelling should include a fully ducted HVAC system with forced air heating and ducting sized to accommodate the future provision of air conditioning.
 - iii) Lot 2 (Part 1, Plan 49R-18168)
 - The dwelling should be oriented towards Sutherland Road and located as far away from Highway 17 as is permitted by local Zoning By-Laws.
 - The future dwelling should include a fully ducted HVAC system with forced air heating and ducting sized to accommodate the future provision of air conditioning.
4. The following warning clauses apply as follows:
- i) Lot 1 ((Part 2, Plan 49R-18168)
 - Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.
 - This dwelling is to be fitted with a forced air heating system and the ducting, etc. sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria.
 - ii) Lot 2 (Part 1, Plan 49R-18168)
 - Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.
 - This dwelling is to be fitted with a forced air heating system and the ducting, etc. sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria.
5. The outdoor living area, fence, and recommended dwelling locations are illustrated on Schedule "B".
6. The Owner hereby consents and agrees that no later than thirty (30) days after the issuance of the Certificate by the County of Renfrew Land Division Committee relating to Applications for Consent File Nos. B24/13(1) and B25/13(2), the Owner shall cause Transfers to be registered to effect the severance and shall provide the Municipality with a copy of the registered documents within 20 days of registration.
7. The Owner further consents and agrees that, after the Transfers of ownership of the lands set out in Schedule "A", this Agreement, shall be registered on title to the lands set out in Schedule "A" hereto at the sole expense of the Owner. and the Owner shall provide the Municipality with a copy of the registered documents within 20 days of registration.
8. This agreement shall apply to all subsequent owners of the Schedule "A" lands.

SCHEDULE "A"

Lot 1:

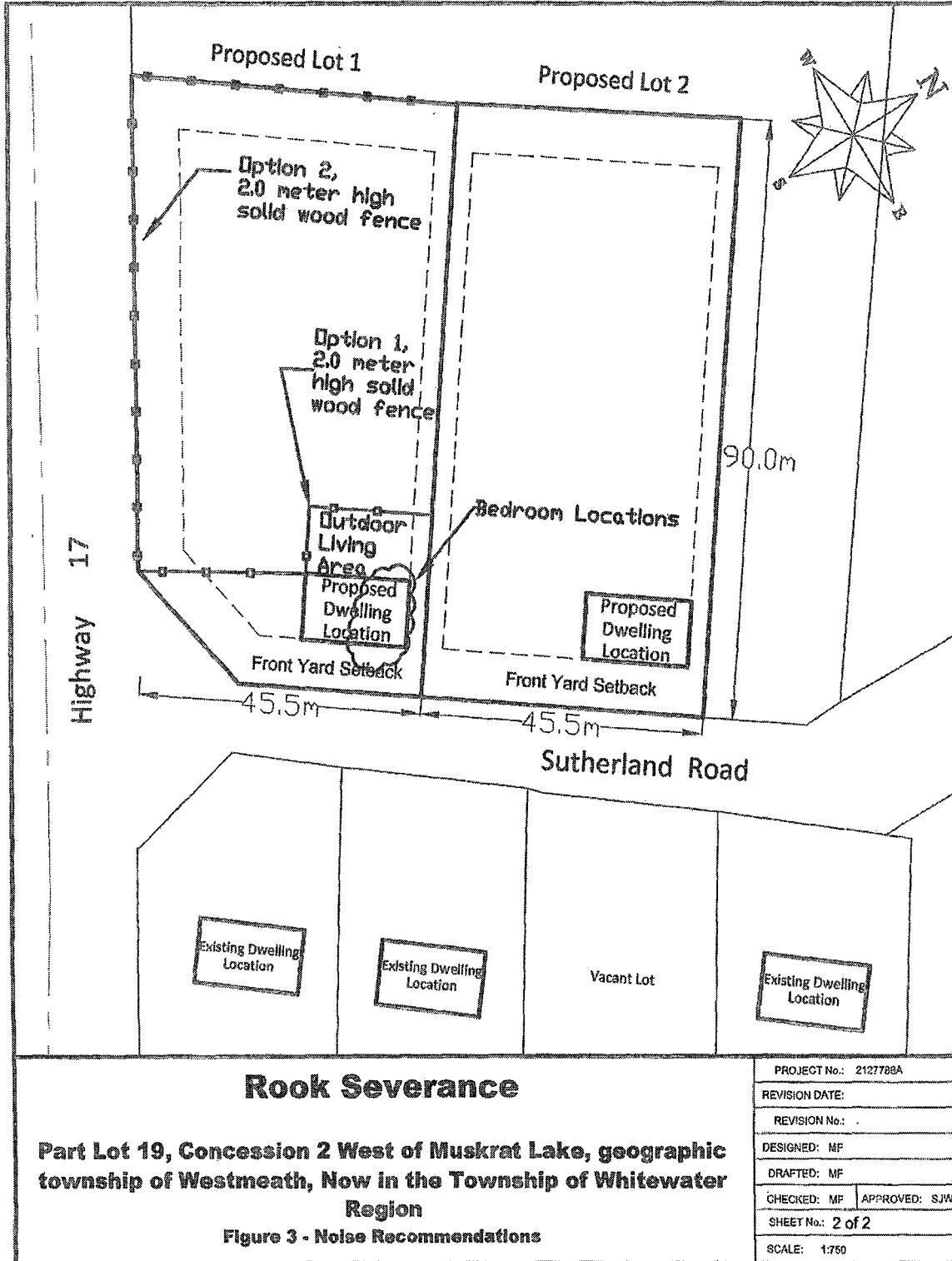
Part Lot 19, Con. 2, West of Muskrat Lake. geographic Township of Westmeath, now the Township of Whitewater Region, more particularly described as Part 2, Plan 49R-18168 being all of PIN 57189-_____ (LT).

Lot 2:

Part Lot 19, Con. 2, West of Muskrat Lake. geographic Township of Westmeath, now the Township of Whitewater Region, more particularly described as Part 1, Plan 49R-18168 being all of PIN 57189-_____ (LT).

SCHEDULE "B"

Location Sketch of Building Envelope



Rook Severance

Part Lot 19, Concession 2 West of Muskrat Lake, geographic township of Westmeath, Now in the Township of Whitewater Region

Figure 3 - Noise Recommendations