

**THE CORPORATION OF  
TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NUMBER 15-05-788**

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**A By-Law authorizing the Township to enter into a Private Roads Agreement with Addison Smith**

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**WHEREAS** Addison Smith is the owner of Part 7 of Reference Plan 49R-18518, PT LT 12 CON 1, EML, WESTMEATH, TOWNSHIP OF WHITEWATER REGION;

**AND WHEREAS** Addison Smith has applied to the County of Renfrew for consent approval(s) of residential lot(s) File Number(s) B148/13(3), and such approval(s) dated the 12th day of June, 2014 have been granted subject to the execution and registration of a Private Roads 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** Addison Smith has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Private Roads 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 Private Roads Agreement with Addison Smith, 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 Private Roads Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Private Roads 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.

**Passed this 20<sup>th</sup> day of May, 2015**

  
MAYOR Hal Johnson

  
CAO/CLERK Christine FitzSimons

**Schedule "A" to By-Law 15-05-788**

## **Private Roads Agreement**

**Between:**

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

**"Hereinafter referred to as the Municipality of the First Part"**

**And**

**Addison Smith**

**"Hereinafter referred to as the Owner of the Second Part"**

**WHEREAS** Section 51(26) of the Ontario Planning Act provides for the Municipality to enter into an Agreement as a condition of the approval of the 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** consent has been granted pursuant to Section 53 of the Planning Act by the Land Division Committee of the County of Renfrew which decision dated the 12 day of June 2014 provides for the registration of a Private Roads Agreement with the Municipality as a condition of the granting of severance and which Agreement will be binding on all subsequent purchasers of the land.

**AND THEREFORE** in consideration the approval of the grant of subdivision by the Municipality and the terms and conditions hereinafter set out the Parties hereto agree as follows:

1. The Owner of Part 7 of Reference Plan 49R-18518 hereby agrees that the subject Lot is served by a private road which road is not maintained by the Municipality and for which the Municipality has no responsibility for maintenance or services. It is further understood that the Municipality does not plan to provide any road maintenance or services.
2. The Owner acknowledges that he is aware that because the subject land is accessed only by a private road which will not be provided with normal municipal services, that he has purchased the land on the understanding that municipal services will not be provided in the future.
3. The Owner acknowledges and agrees that the Agreement will be binding on subsequent purchasers and may be used by the Municipality for the purpose of denying the provision of municipal services in the future if such services are demanded and are requested by the Owner or subsequent owners or the subject land.
4. The Owner agrees that the Agreement will be binding on subsequent purchasers and further agrees to register the said Agreement on the title of the subject land and further agrees to notify any subsequent purchaser of the existence of said Agreement.

Dated at Cobden, ON this 20<sup>th</sup> day of May, 2015.

The Corporation of the Township of Whitewater Region

Per: Hal Johnson  
Name: Hal Johnson  
Title: Mayor

Per: Christine FitzSimons  
Name: Christine FitzSimons  
Title: Chief Administrative Officer/Clerk

Dated at Cobden, ON this 20<sup>th</sup> day of MAY, 2015

Per: Addison Smith  
Name: Addison Smith  
Title: Owners

SCHEDULE				
PART	LOT	CONCESSION	FIN	AREA (HA)
1				0.00
2				2.11
3				0.18
4				0.81
5				2.77
6				0.35
7				0.32
8				0.00
9				0.00
10				0.00
11				0.00
12				0.00
13				0.00
14				0.00
15				0.00

NOTE: PARTS 3, 4, 6, 8, 10 & 11 ON THIS PLAN ARE SUBJECT TO A RIGHT-OF-WAY PER REG. NO. R122017.

**PLAN 49R - 18518**  
 RECEIVED AND DEPOSITED  
 April 7, 2015  
*Adam Kasprzak*  
 Representative for LAND REGISTRAR FOR THE LAND TITLES DIVISION OF RENFREW (No. 49)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT  
 DATE: APRIL 7, 2015.  
*Adam Kasprzak*  
 ADAM KASPRZAK

PLAN OF SURVEY  
 OF PART OF  
**LOT 12,  
 CONCESSION 1  
 EAST OF MUSKRAT LAKE**  
 GEOGRAPHIC TOWNSHIP OF WESTMEATH  
 TOWNSHIP OF WHITEWATER REGION  
 COUNTY OF RENFREW  
 SCALE 1 : 1000

ADAM KASPRZAK SURVEYING LTD.

**REMARKS NOTE:**  
 BEARINGS ARE LISTED AND DERIVED FROM BLM/MEASLES GPS OBSERVATIONS FROM 2011 TO 2012. THESE DATA BEARING OF RENFREW, 1500 ZONE 18 (17 WEST LONGITUDE) MAG. 43 (2013)

**ASTRONOMICAL BEARINGS** CAN BE CALCULATED BY ROTATING THE OLD BEARING TO OLD ZONE 18 (17 WEST LONGITUDE) MAG. 43 (2013)

**METING NOTE:**  
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.28084.

**DISTANCE NOTE:**  
 DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A CORRECTED SCALE FACTOR OF 0.999997.

**INTERGRATION DATA:**

POINT ID	NORTHING	EASTING
OP1	8 064 088.32	348 800.89
OP2	8 064 172.12	348 802.27

COORDINATE VALUES TO BE MADE ACCURATE PER SCS 14 (7) OF D. REG. 219/10 AND CHANGE IN THE SAME TO BE USED TO RE-CALCULATE COORDINATES OR BOUNDARIES SHOWN ON THIS PLAN.

**WATER'S EDGE NOTE:**  
 THIS BEING TO THE WATER'S EDGE ON THIS PLAN ARE REPRESENTED BY THEIR RESPECTIVE TRANSFER LINES UNLESS SHOWN OTHERWISE.

**MONUMENTATION NOTE:**  
 5/8" PLAIN IRON DUE TO LOW CHURN/ROCK.

- LEGEND**
- BB - BENCH MARK
  - BS - BOUNDARY SIGN BAY
  - BSR - BOUNDARY SIGN BAY WITH
  - BSL - BOUNDARY SIGN BAY WITH
  - BSM - BOUNDARY SIGN BAY WITH
  - BSN - BOUNDARY SIGN BAY WITH
  - BSO - BOUNDARY SIGN BAY WITH
  - BSR - BOUNDARY SIGN BAY WITH
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  - BSM - BOUNDARY SIGN BAY WITH
  - BSN - BOUNDARY SIGN BAY WITH
  - BSO - BOUNDARY SIGN BAY WITH
- Notes:**  
 (1) - DESCRIPTION OF CHURN/ROCK OF 20.12 MIDE RIGHT-OF-WAY AS DESCRIBED IN REG. NO. R122017.  
 (2) - RIGHT-OF-WAY FOR TRAVELLED SHOWN AS TWO MILE TIME.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS THERE UNDER THERE.  
 2. THE SURVEY WAS COMPLETED ON  
 MARCH 11, 2015.

DATE: APRIL 7, 2015.  
*Adam Kasprzak*  
 ADAM KASPRZAK  
 ONTARIO LAND SURVEYOR

**ADAM KASPRZAK SURVEYING LTD.**  
 ONTARIO LAND SURVEYORS  
 425 PETERBORO ST. W., P.O. BOX 482  
 PETERBORO, ONTARIO N3A 8C7  
 PHONE (705) 735-0764

SCALE: 1 : 1000  
 REG. NO. 14-3224  
 FILE NO. 1

