

**THE CORPORATION OF  
TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NUMBER 15-08-811**

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**A By-Law authorizing the Township to enter into a Development Agreement  
with Anna and James Moreau**

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**WHEREAS** Anna and James Moreau are the owners of PT LT 11, CON A CLF, Westmeath, Township of Whitewater Region, more particularly described as Part Lot 11, Concession A, CLF being Part 1 of 49R18582 Westmeath now in the Township of Whitewater Region;

**AND WHEREAS** Anna and John Moreau have applied to the County of Renfrew for consent approval of a residential lot File Number B80/14 and such approval dated the 23<sup>rd</sup> day of September, 2014 has 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** Anna and John Moreau 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:

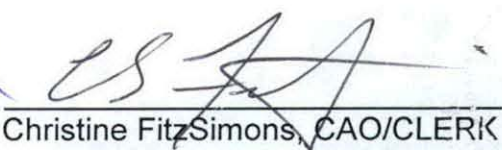
1. **THAT** The Corporation of the Township of Whitewater Region enter into a Development Agreement with Anna and John Moreau which agreement is attached and marked as Schedule "A" to this By-law.
2. **THAT** the Council of the Township of Whitewater Region hereby authorize the execution of the Development 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 15-08-811 are hereby repealed.

**Passed this 19<sup>th</sup> day of August, 2015**

  
Hal Johnson, MAYOR

  
Christine FitzSimons, CAO/CLERK

Schedule "A"  
To By-Law 15-08 - 811

THIS AGREEMENT made effective this 19<sup>th</sup> day of August, 2015.

BETWEEN:

THE TOWNSHIP OF WHITEWATER REGION  
44 Main Street, Cobden Ontario  
(referred to as the "Township")

AND:

ANNA MOREAU AND JOHN MOREAU  
995 Yakabuskie Road, Westmeath, Ontario  
(referred to as the "Owners")

Whereas the Owners are the owners of the property described as Part of Lot 11, Concession A CLF, Westmeath now in the Township of Whitewater Region fronting on the unopened road allowance being all of PIN 57198-0057 (LT). Herein after referred to as the Property)

And Whereas the owners have applied for a severance of a portion of the Property more particularly described as part 1 on Reference plan

And Whereas the Township owns the unopened road allowance between Lot 10 Concession A CLF and Lot 24 Concession 1 WFE shown on over parts 2 reference plan 49R which the Owners wish to permanently cross to access the severed portions of their Property.

And Whereas this Agreement is a requirement of the said severance.

In consideration of the sum of \$1.00 and other good and valuable consideration, the Township allows the Owners to cross over the unopened road allowance to access their property on the following conditions:

1. The Owners shall be responsible for all maintenance of the section of unopened road allowance over which they wish to permanently cross to access their property.
2. Under no circumstance in the present, nor future, will the Township maintain this Unopened Road Allowance.

3. Use of the unopened road allowance will continue to be public and not for the exclusive use of the Owners.
4. The Owners shall obtain prior approval from the Township prior to commencing and maintenance or repair of the said section of road allowance.
5. The Owners' acknowledge that the road allowance has not been assumed by the Township.
6. The Township will post a sign to the effect that the road allowance has not been assumed by the Township and advising all parties that use of the road allowance shall be at their risk.
7. If any of the provisions of this agreement are invalid, such provisions shall be considered separate and severable and the remaining provisions shall remain in full force and effect.
8. This agreement shall be binding upon the heirs, trustees, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed this agreement

SIGNED, SEALED and DELIVERED


TOWNSHIP OF WHITEWATER REGION

Per:   
 Hal Johnson, Mayor

Per:   
 Christine FitzSimons, CAO/Clerk

  
 WITNESS

  
 John Moreau

  
 WITNESS

  
 Anna Moreau