

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

BY-LAW NO. 15-11-825

A By-Law authorizing the Township to enter into a Development Agreement with 2269805 Ontario Limited

WHEREAS 2269805 Ontario Ltd. Is the owner of PT LTS 11 & 12, CON B CLF, Westmeath now in the Township of Whitewater Region;

AND WHEREAS 2269805 Ontario Ltd. Has applied to the County of Renfrew for consent approval of residential lots File Numbers B18/15(1), B19/15(2) and B20/15(3) and such approval dated the 26th day of June, 2015 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 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 purchase of land;

AND WHEREAS 2269805 Ontario Ltd. has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Development Agreement;

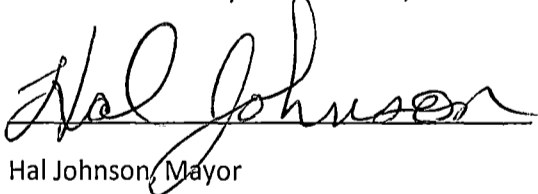
NOW THEREFORE the Council of the Corporation of the Township of Whitewater region hereby ENACTS AS FOLLOWS;

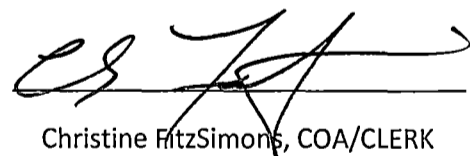
1. THAT the Corporation of the Township of Whitewater Region enter into a Development Agreement with 2269805 Ontario Ltd., which agreement is attached and marked as Schedule "A" to this By-law.
2. THAT the council of the Township of Whitewater Region hereby authorize the execution of the Development 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 BY-LAW 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 15-11-825 are hereby repealed.

Passed this 18th day of November, 2015.


Hal Johnson, Mayor


Christine FitzSimons, COA/CLERK

SCHEDULE "A" TO BY-LAW 15-11-825

THIS AGREEMENT made the 18th day of November, 2015

Between:

2269805 Ontario Ltd. (Hereinafter referred to as "owner")

and

**THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION
(hereinafter referred to the "municipality")**

WHEREAS 2269805 Ontario Ltd. Is the owner of lands legally described as being Part of Lots 11 and 12, Concession B, CLF, in the Geographic Township of Westmeath now in the Township of Whitewater Region, in the County of Renfrew, more particularly described in Schedule "A" attached hereto. (Hereinafter referred to the "Lands")

AND WHEREAS 2269805 the Owner Has applied to the County of Renfrew for consent to sever three residential lots (File Numbers B18/15(1), B19/15(2) and B20/15(3)) and such consent was given on the 16th day of October, 2014 subject to certain conditions.

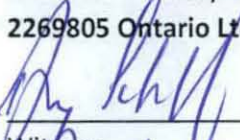
AND WHEREAS the Ontario Planning Act in Sections 53(12) and 51(26) provided for the municipality to enter into an Agreement as a condition of approval of the severances, which Agreement may be supported by Notice on title.

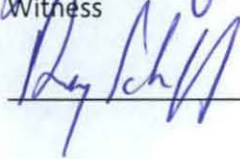
THEREFORE in consideration of the granting of severances, the owner hereto covenants and agrees as follows;

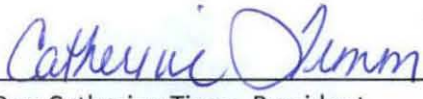
1. All future purchases of the Lands must be notified that the water quality samples in the vicinity of the lots to be severed and the lot to be retained meet or exceed Ontario Drinking Water Standards for all parameters except hardness, sulphide, manganese and iron. These parameters maybe treated with a water softener and /or manganese greensand filter systems. If water softeners are used, sodium ion water softeners may introduce undesirable high concentrations of sodium into the drinking water supply and a separate unsoftened water supply could be used for drinking and culinary purposes.
2. The Hydrogeological Evaluation and the Slope Stability report prepared by Morey Associates, dated May 7, 2014 shall be made available to all future owners.
3. The Owner hereby acknowledges that the lands are serviced by a private lane, legally described in Schedule "B" attached hereto (hereinafter referred as the "road"), which road is not maintained by the Municipality and for which the Municipality has no responsibility for maintenance or services. It is further acknowledged that the Municipality does not plan to provide any road maintenance or services and that the road shall be suitable for the passage of vehicles and emergency vehicles at all times. 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 subdivision under Section 51 (25) of the Planning Act. The owner shall ensure the road is maintained so that emergency vehicles can access the lands at all times.
4. The lot grading or drainage for the newly created lots must not have any impact on any other property or water body.
5. The slope stability remedial measures proposed by the Morey Associates report along the shoreline for the proposed lots is supported by an engineering design prepared by a qualified Professional Engineer. A work permit will be required from the Ministry of Natural Resources for the slope stability remedial measures along the riverbank slope for the proposed severed lots. The slope stability measures should be inspected at the time of construction by Morey Associates Consulting Engineers to ensure that the guidelines provided in their letter report and Figures have been interpreted as intended.
6. Prior to the issuing of a building permit, a lot layout plan shall be required for the severed parcels showing the proposed well, house and septic location to the satisfaction of the Township's Chief Building Official.
7. This Agreement shall be binding on subsequent purchases and the parties' successors and assigns. The Owner shall register a Notice of the 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 in any Agreement of Purchase and Sale for the Lands.

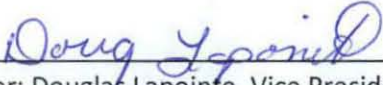
Dated at Cobden, Ontario this 18th day of November, 2015
2269805 Ontario Ltd.



Witness





Per: Catherine Timm, President




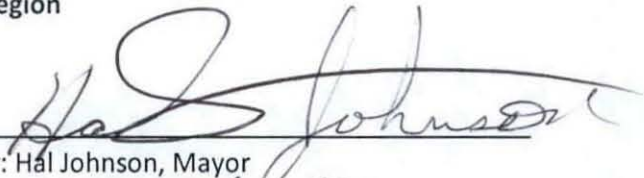
Per: Douglas Lapointe, Vice President
WE have the authority to bind the Corporation

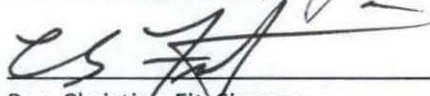
Dated at Cobden, Ontario this 18th day of November, 2015

The Corporation of the Township of Whitewater Region



Witness




Per: Hal Johnson, Mayor


Per: Christine Fitzsimons,
Chief Administrator Officer/Clerk
We have the authority to bind the Corporation

Schedule "B" to By-Law 15-11-825

LEGAL DESCRIPTION OF THE LANDS:

Part Lots 11&12, Concession B, CLF, Geographic Township of Westmeath, now in the Township of
Whitewater Region, County of Renfrew

Schedule "C" to By-Law 15-11-825

LEGAL DESCRIPTION OF PRIVATE ROAD:

Part Lot 11, Concession B, CLF being Parts 4, Plan 49R-18504, AND Part 1, of Plan R49-5943: Save and Except Parts 2 and 3, Plan 49R-16945, Geographic Township of Westmeath now in the Township of Whitewater Region, County of Renfrew