

THE CORPORATION OF
THE TOWNSHIP OF WHITEWATER REGION

By-Law # 16-01-836

Permission to utilize Unopened Road Allowance - Magnesium Road

WHEREAS the Municipal Act Chapter 25, Statutes of Ontario 2001 Section 11 (4) provides that lower tier municipalities have jurisdiction with respect to Use of Public Road Allowances;

WHEREAS the lands hereinafter described are an unopened road allowance;

WHEREAS land is required by an owner for access purposes;

BE IT RESOLVED THAT

1. The Municipal Council for the Corporation of the Township of Whitewater Region hereby enter into an Agreement with Ontario Power Generation in order to grant permission and establish conditions associated with the use of an unopened road allowance known as Magnesium Road. The registration of this agreement shall be at the owners expense.
2. The Mayor and the Chief Administrative Officer are hereby authorized to execute the attached agreement Schedule "A".

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 16-01-836 are hereby repealed

Passed this 6th day of January, 2016.


MAYOR Hal Johnson


CAO/Clerk Christine FitzSimons

Schedule "A" to By-Law 16-01-836

THIS AGREEMENT made effective the 6th day of January, 2016.

BETWEEN:

THE TOWNSHIP OF WHITEWATER REGION
44 Main St., Box 40, Cobden, ON K0J 1K0
(referred to as the "Township")

AND:

ONTARIO POWER GENERATION
700 University Avenue, Toronto, ON M5G 1X6
(referred to as the "Owners")

WHEREAS the Owners are the owners of the property described as Ross Con 8 to Con 13, 1825.32 acres.

AND fronting on the unopened road allowance which is an extension of Magnesium Road, all as shown on the attached sketch.

AND Whereas the Township owns the unopened road allowance leading to the Owner's property.

AND Whereas the Owners desire to use that part of the said unopened road allowance leading to their property.

In consideration of the sum of \$1.00 and other good and valuable consideration, the Township allows the Owners to use the unopened road allowance leading to the Owners' property on the following conditions:

1. All work to be done will be at the Owners' expense.
2. The Owners shall be responsible for all maintenance of the unopened road allowance leading to the Owners' property.
3. The Owners shall be responsible to provide a survey at their expense to ensure that the work doesn't encroach on adjacent land.
4. Use of the unopened road allowance will continue to be public and not for the exclusive use of the Owners.
5. The Owners shall ensure that natural drainage courses are not disturbed
6. Mature trees cut on the unopened road allowance should be offered to the adjacent land owner.
7. The Owners shall obtain prior approval from the Township prior to commencing and maintenance or repair of the said road allowance.
8. The Owner will provide liability insurance satisfactory to the Township that cannot be cancelled without notice to the Township.
9. The Owner must post signs saying that "the road allowance has not been assumed by the municipality, use at your own risk".
10. The Owners acknowledge that the road allowance has not been assumed by the Township.
11. 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.
12. This agreement shall be binding upon the heirs, trustees, successors and assigns of the parties hereto.

All by-laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 16-01-836 are hereby repealed.

Passed this 6th day of January, 2016.

Ontario Power Generation Inc.

Name: _____

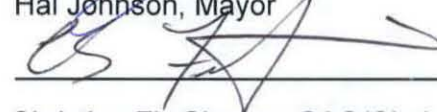
Title: _____

I have the authority to bind the Corporation

Township of Whitewater Region:



Hal Johnson, Mayor



Christine FitzSimons, CAO/Clerk

We have the authority to bind the Corporation

16-01-836



OPG PROPERTY