

THE CORPORATION OF
TOWNSHIP OF WHITEWATER REGION

BY-LAW NUMBER 16-12-901

A By-Law authorizing the Township to enter into a Private Road Agreement with Donald Hefler & Freeman Hefler

WHEREAS Donald Hefler & Freeman Hefler is the owner of Part of Lot 5, Concession A, being Parts 1, 2 and 3 on RP 49R18857, t/w Part 9 on RP 49R16784; Coulonge Lake Front, Westmeath, Township Of Whitewater Region;

AND WHEREAS Donald Hefler & Freeman Hefler has applied to the County of Renfrew for consent approval(s) of residential lots File Number B48/16(1) and B49/16(2) and B50/16(3) approved on and such approval(s) dated the 29th day of June, 2016 respectfully have been granted subject to the execution and registration of a Private Road 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;

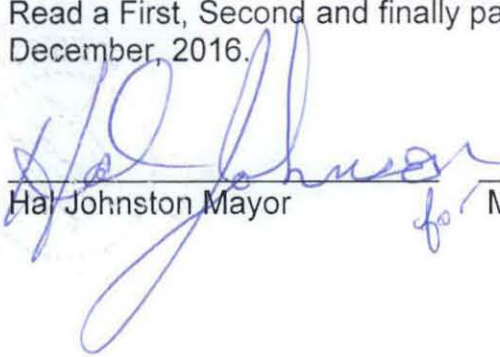
AND WHEREAS Donald Hefler & Freeman Hefler has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Private Road Agreement;

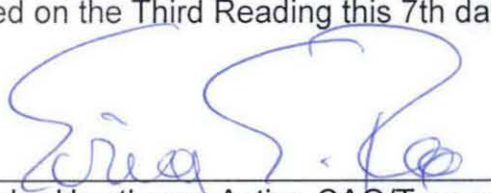
NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region hereby ENACTS AS FOLLOWS:

1. **THAT** The Corporation of the Township of Whitewater Region enter into a Private Road Agreement with Donald Hefler & Freeman Hefler, of which the 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 Road Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Private Road 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.

Read a First, Second and finally passed on the Third Reading this 7th day of December, 2016.


Hal Johnston Mayor


Marsha Hawthorne Acting CAO/Treasurer

PRIVATE ROAD AGREEMENT

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

"Hereinafter referred to as "the Municipality"

-AND-

DONALD HEFLER AND FREEMAN HEFLER

"Hereinafter referred to as "the Owners"

WHEREAS 2001, c.25, s. 23 of the Municipal Act provides for the Municipality to enter into an Agreement with any person to construct, maintain and operate a private road or a private water or sewage works, including fire hydrants which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land.

AND WHEREAS a decision dated the 29th day of June 2016 has been issued pursuant to Section 53 of the Ontario Planning Act by the Land Division Committee of the County of Renfrew granting a consent subject to the entering into and registration of a Private Road Agreement with the Municipality;

AND WHEREAS the Owners own Part Lot 5, Concession A, Coulonge Lake Front, being Parts 1, 2, and 3 on RP 49R18857, Geographic Township of Westmeath, Now in the Township of Whitewater Region being part of PIN 57199-0353 (LT).

IN CONSIDERATION of the premises and the mutual covenants contained in this Agreement, and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by each of the parties) the parties agree as follows:

1. The Owners agree that Parts 1, 2 and 3 on 49R-18857 being part of PIN 57199-0353(LT) are accessed by a private road described as Part 9 on Plan 49R-16784, 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 Owners agree to construct the private road being Part 9 on RP 49R16784, to a standard as required by and approved by the Public Works Manager for the Municipality and further agrees to maintain the same for emergency vehicles, etc. to a standard required by the Municipality.
3. The Owners further acknowledge and agree that the Municipality is not obliged to provide a building permit with respect to Parts 1, 2 and 3 49R-18857, being part of PIN 57199-0353 until such time as the Municipality has approved the construction of the private access road.
4. The Owners agree to register the said Agreement in the Land Titles Office for the County of Renfrew on the title for the lands described as Parts 1, 2 and 3 on 49R-18857; being part of Pin 51799-0353 t/w Part 9 on RP 49R16784.
5. The Owners agree to notify any subsequent purchaser of Parts 1, 2 and 3 49R- 18857; being part of PIN 51799-0353 of the said agreement.

- 6. The Owners and the Municipality acknowledge that this agreement will be binding on subsequent purchasers and owners of Parts 1-3 inclusive, 49R18857, being part of Pin 51799-0353(LT). This agreement shall enure to the benefit of and be binding on the respective heirs, executors, administrators and assigns of each other parties to it.

Dated at Cobden, Ontario this 7th day of December, 2016.

The Corporation of the Township of Whitewater
Region

Hal Johnson

Hal Johnson Mayor

Erica Rice

Marsha Hawthorne Acting CAO/Treasurer

Erica Rice Deputy Treasurer / Deputy Clerk

OTTAWA D.H. [Signature]

Dated at Cobden, Ontario this 27th day of NOVEMBER, 2016.

~~The Corporation of the Township of Whitewater
Region~~ THE OWNERS D.H. [Signature]

Donald Hefler

Donald Hefler

Freeman L. Hefler

Freeman Hefler