

**THE CORPORATION OF  
TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NUMBER 16-12-903**

**A By-Law authorizing the Township to enter into an Agreement for Land Division on Pettigrew Road and Voyageur Bay Road with Joseph Edward Kowalski**

**WHEREAS** Joseph Edward Kowalski is the owner of Part Lot 12 Concession 12 as in R179312 (Fourthly); Part Lot 13, Concession 12 as in R179312 (Fifthly) except; RS9591; Part 13, Concession 12, Part 1, 49R9735; Part Lot 13, Concession 12, Parts 1-4, 49R9737, Ross; Township of Whitewater Region;

**AND WHEREAS** Joseph Edward Kowalski has applied to the County of Renfrew for consent approval(s) of residential lot File Number B60/15(1), B61/15(2) and B62/15(3) and such approval(s) dated the September 16, 2016 have been granted subject to the execution and registration of a Land Division 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** Joseph Edward Kowalski has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Land Division 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 an Agreement with Joseph Edward Kowalski, of which the agreement is attached and marked as Appendix "A" to this By-law.
2. **THAT** the Council of the Township of Whitewater Region hereby authorizes the execution of this Land Division Agreement.
3. **THAT** the Mayor and Clerk are authorized to execute the said 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.

  
MAYOR, Hal Johnson

  
Clerk

THIS AGREEMENT made as of the 7 day of December, 2016,

**BETWEEN:**

**JOSEPH EDWARD KOWALSKI**  
(the "Owner")

**AND:**

**THE CORPORATION OF THE TOWNSHIP OF  
WHITEWATER REGION**  
(the "Township")

**WHEREAS:**

1. The Owner owns land located in the Township of Whitewater Region described in Schedule "A" to this Agreement (the "Voyageur Bay Property");
2. The Owner has obtained consent approvals from the Land Division Committee for the County of Renfrew for the creation of three residential lots on the Voyageur Bay Property under File No. B60-15(1), B61-15(2) and B62-15(3) (the "Consent Approvals");
3. As a condition of the Consent Approvals, the Owner and the Township have agreed to enter into a Road Agreement with respect to the use, maintenance and repair of a seasonally municipal road known as "Pettigrew Road" and a private road crossing the Voyageur Bay Property known as "Voyageur Bay Road";
4. The parties are entering into this Agreement for the purpose of confirming certain obligations agreed to by the Owner concerning the Voyageur Bay Property;

**NOW THEREFORE** in consideration of the premises and other mutual covenants contained herein, the parties hereto agree as follows:

1. The Owner hereby confirms that his solicitor shall provide the Land Division Committee with an undertaking to register a Transfer of Easement in favour of the three new lots over the retained lands of the Owner.



**Schedule "A"**

**Voyageur Bay Property**

PIN 57212-0034 (LT)

Part Lot 12, Concession 12 as in R179312 (Fourthly); Part Lot 13, Concession 12 as in R179312 (Fifthly) except RS9591; Part Lot 13, Concession 12, Part 1, 49R9735; Part Lot 13, Concession 12, Parts 1-4, 49R9737, Ross; Whitewater Region