

# The Corporation of the Township of Whitewater Region

By-law Number 17-02-927

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## **Being a by-law to authorize the entering into a Private Road Agreement with Dale Curtis**

**Whereas**, Dale Curtis is the owner Part of Lots 4 and 5, Concession 9, EML, Parts 1 and 2 on RP 49R18906 Geographic Township of Westmeath, Now in the Township of Whitewater Region; and

**Whereas**, Dale Curtis has applied to the County of Renfrew for consent approval(s) of residential lot File Number B150/13 (1) approved on and such approval(s) dated the 7th day of September, 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

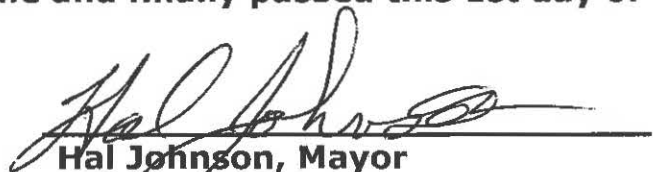
**Whereas**, Section 51(26) of the Planning Act provides for the Municipality to enter into an Agreement as a condition of the approval of subdivision of a lot which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land; and

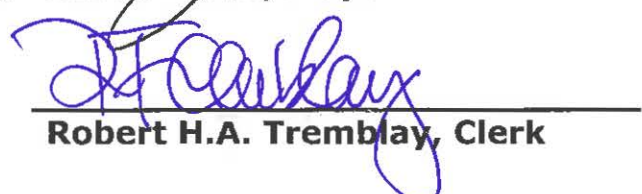
**Whereas**, Dale Curtis has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Private Road Agreement;

### **Now therefore Council of the Corporation of the Township of Whitewater Region enacts as follows:**

1. That The Corporation of the Township of Whitewater Region enter into a Private Road Agreement with Dale Curtis, 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 necessary to complete this matter.
4. That this by-law shall come into force and take 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 third time and finally passed this 1st day of March, 2017.**

  
Hal Johnson, Mayor

  
Robert H.A. Tremblay, Clerk

PRIVATE ROAD AGREEMENT

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

"Hereinafter referred to as "the Municipality"

-AND-

Dale Curtis

"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 7th day of September, 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 of Lots 4 and 5, Concession 9, EML, Parts 1 and 2 on RP 49R18906 Geographic Township of Westmeath, Now in the Township of Whitewater Region.

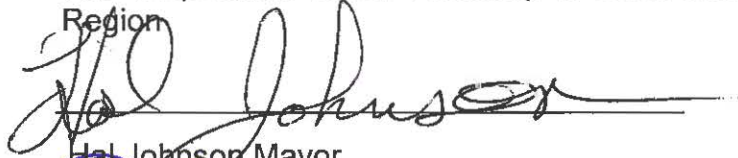
IN CONSIDERATION of the premises and the mutual covenants contained in this Agreement, and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by each of the parties) the parties agree as follows:

1. The Owners agree that Part 1 on 49R-18906 being part of PIN 57210-0083(LT) is accessed by a private road described as Part 2 on Plan 49R-18906, 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 2 on RP 49R18906, 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 Part 1, 49R-18906, being part of PIN 57210-0083(LT) until such time as the Municipality has approved the construction of the private access road.
4. In order to remove the condition of severance for a private road agreement 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 Part 1 49R-18906; being part of Pin 57210-0083(LT).
5. The Owners agree to notify any subsequent purchaser of Part 1 49R-18906; being part of PIN 57210-0083(LT) of the said agreement.

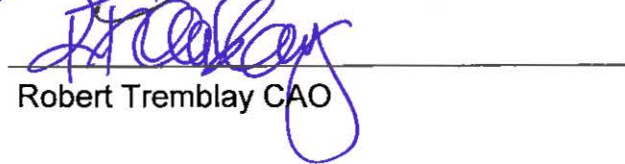
6. The Owners and the Municipality acknowledge that this agreement will be binding on subsequent purchasers and owners of Parts 1 and 2 inclusive, 49R18906, being part of Pin 57210-0083(LT). This agreement shall enure to the benefit of and be binding on the respective heirs, executors, administrators and assigns of each other parties to it.

Dated at Cobden, Ontario this 1st day of March, 2017.

The Corporation of the Township of Whitewater  
Region



Hal Johnson Mayor



Robert Tremblay CAO

Dated at Cobden, Ontario this 02 day of March, 2017.

The Corporation of the Township of Whitewater  
Region



Dale Curtis