

The Corporation of the Township of Whitewater Region

By-law Number 19-05-1173

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**A by-law to authorize the entering into a Private Road Agreement with Bill and Loretta Hennessy**

**Whereas**, Bill and Loretta Hennessy are the owners Part of Lot 13, Concession B, CFL Geographic Township of Westmeath, Now in the Township of Whitewater Region; and

**Whereas**, Bill and Loretta Hennessy have applied to the County of Renfrew for consent approvals of residential lot File Numbers B95/18 & B96/18. Such approvals dated the 11th day of December, 2018 have been granted subject to the execution and registration of a Private Road Agreement between the Owner and the Township to be placed 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**, Bill and Loretta Hennessy have asked 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 Bill and Loretta Hennessy, 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 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 29th day of May, 2019.**

*Michael Moore*

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**Michael Moore, Mayor**

*Carmen Miller*

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**Carmen Miller, Clerk**

PRIVATE ROAD AGREEMENT

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

"Hereinafter referred to as "the Municipality"

-AND-

Bill & Loretta Hennessy

"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 13<sup>th</sup> day of December, 2018 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 Lot 13 Concession B, CFL 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, 2, 3, 5, 6 and 7 on 49R-19359 being part of PIN 57198-0093(LT) are accessed by a private road described as Part 4 and 8 on Plan 49R-19359, 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 4 and 8 on RP 49R19359, to a standard as required by and approved by the Director of Public Works 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, 2, 3, 5, 6 and 7, 49R-19359, being part of PIN 57198-0093 (LT) 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 Part of Lot 4 and 8 on RP49R-19359.
5. The Owners agree to notify any subsequent purchaser of Part 1, 2, 3, 5, 6, and 7 of 49R-19359; being part of PIN 57198-0093(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 to 8 inclusive of 49R19359, being part of Pin 51799-03(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 29 day of May, 2019.

The Corporation of the Township of Whitewater  
Region

Michael Moore

Michael Moore Mayor

Carmen Miller

Carmen Miller Clerk

Dated at Cobden, Ontario this 29 day of May, 2019.

The Corporation of the Township of Whitewater  
Region

Bill Hennessy

Bill Hennessy

Loretta Hennessy

Loretta Hennessy