

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: July 21st, 2009
RE: RELEASE OF CONSENT [51(26)] AGREEMENT
File: C 03/09 LOB
Applicants Harry & Sheila Edgar
Agent: David Currie of Thoms and Currie
Parking Lot at Rabbit Bay Boat Launch, Ridout Ward, Lake of Bays
Part of Lot 34, Concession A, Township of Algonquin Highlands,
Haliburton
Roll Nos. 4427-030-014-05200 and 4621-011-000-45900
Civic Address: 1006 Cliffdene Road

RECOMMENDATION:

That Council give three readings to By-law 09-84 to authorize the Mayor and Clerk to amend the existing consent [51(26)] agreement between the Corporation of the Township of Lake of Bays and Harry and Sheila Edgar, such that Part 1 on Plan 19R-8162 be removed from the legal description of said agreement.

ORIGIN:

This property was the subject of consent application **B 27/00 LOB**, which was granted in order to sever a lakefront property located on Lake of Bays into three properties and add each of these parcels to three separate benefiting lots owned by Mr. Edgar and his two siblings, and which are located in the Township of Algonquin Highlands (an unopened portion of the Bobcaygeon Road Allowance bisects the properties). As the subject lands are situated within two different municipalities, a condition of consent was that the applicant enter into a consent [51(26)] agreement such that the waterfront lands lying within the Township of Lake of Bays be considered as one property for planning purposes with the respective parcels located in the Township of Algonquin Highlands. Accordingly, the agreement was registered in both the Bracebridge and Minden Registry Offices.


Recently, it was discovered that a portion (Part 1 on Plan 19R-8162) of the Edgar property contained part of the parking area used for the Rabbit Bay public boat launch. As the property is to be transferred to the Township of Algonquin Highlands, it has been requested that the subject area be omitted from the legal description of the agreement.

ANALYSIS:

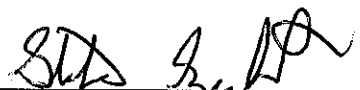
Given that subject area is being used, and will continue to be used for public parking purposes, and that there are no plans for residential development, staff have no concerns with the removal of Part 1 on Plan 35R-8162 from the consent agreement that is on the title of the Edgar property.

Respectfully submitted by:

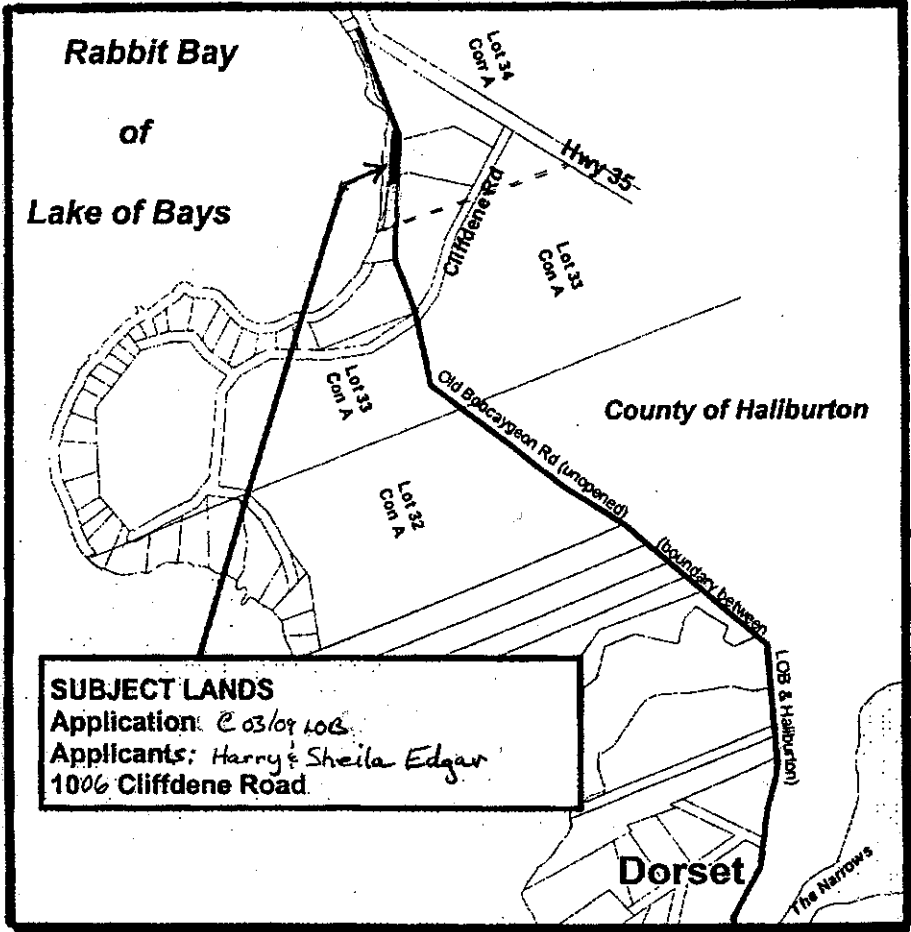
With the concurrence of:



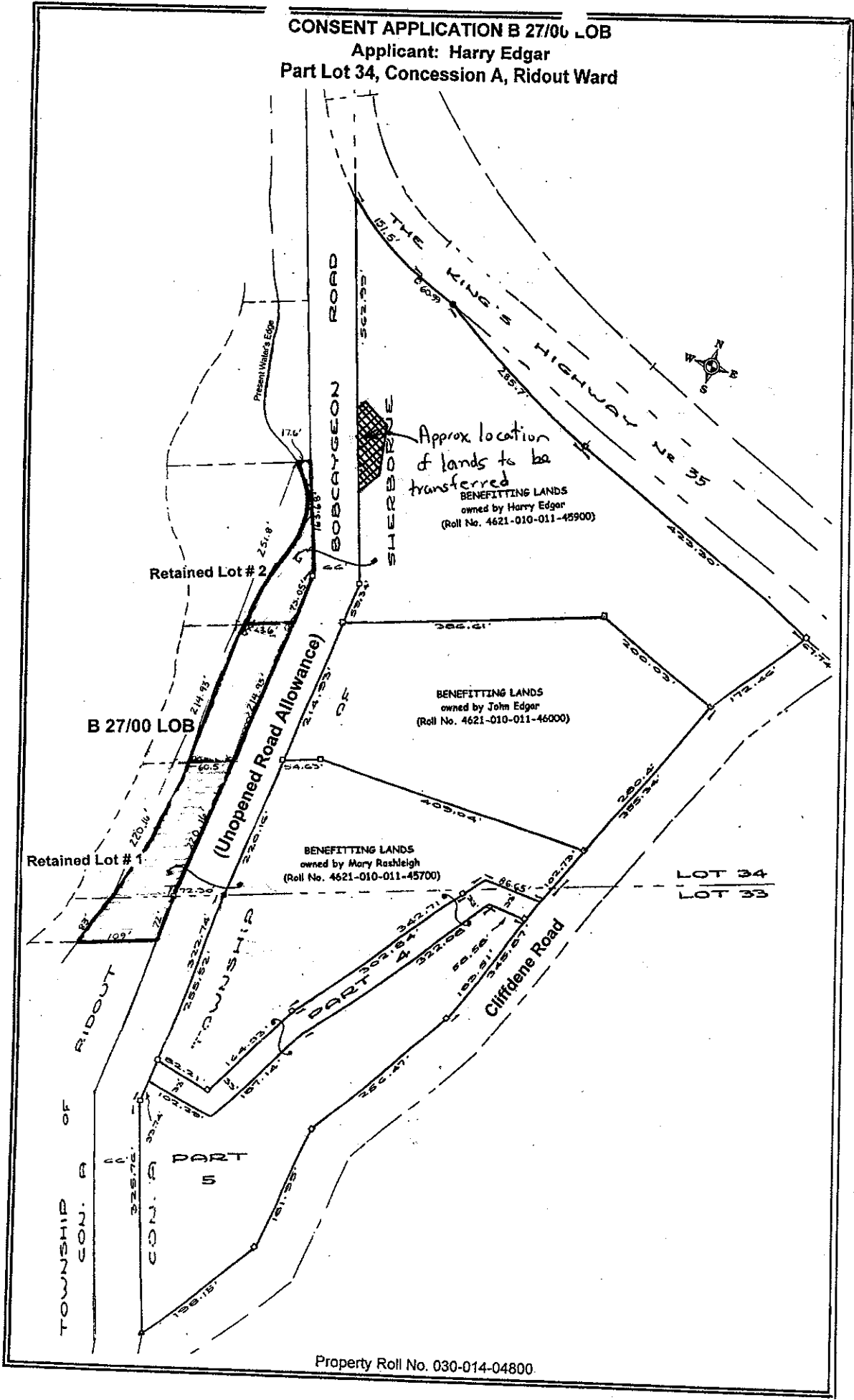
Kelly Stronks, CPT
Planning Technician



Stefan Szczerbak, M.Sc., RPP, MCIP
Planner



CONSENT APPLICATION B 27/00 LOB
Applicant: Harry Edgar
Part Lot 34, Concession A, Ridout Ward



THIS AGREEMENT made this day of , 2009.

BETWEEN:

**FRANCIS HARRY EDGAR
and
SHEILA MARION EDGAR**

(herein called "the Owner"),

- and -

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

(herein called "the Township")

FIRST AMENDING SECTION 51(26) AGREEMENT

WHEREAS the Owner and the Township entered into a consent agreement under Section 51(26) of the Planning Act as a result of a consent application (file B 27/00 LOB). Said Agreement was dated October 2nd, 2001, and registered as follows:

- 1) on October 29, 2001 as Instrument No. 236636 at the Minden Registry Office (#19) for the portion of the lands contained within the County of Haliburton; and
- 2) on October 29, 2001 as Instrument No. 223400 at the Muskoka Registry Office (#35) for the portion of the lands contained within the District of Muskoka.

AND WHEREAS the Owner wishes to transfer a portion of the Lands to the Township of Algonquin Highlands for public parking purposes related to the Rabbit Bay public boat launch, and it is necessary to remove said portion of the Lands from this agreement;

AND WHEREAS the Owner is the owner in fee simple of the lands in the Township of Lake of Bays in the District of Muskoka, being more particularly described in Schedule "A-1" hereto (hereafter all referred to as "the Lands");

NOW THEREFORE in consideration of other good and valuable consideration and the sum of TWO---(\$2.00)---DOLLARS of lawful money of Canada now paid by the Owner to the Township, the receipt whereof is hereby acknowledged, the Owner and the Township covenant and agree as follows:

1. Land Description

The Owner warrants that he/she is the owner of the Lands that are the subject of this First Amending Section 51(26) Agreement, which lands are situate in the Township of Lake of Bays in the District Municipality of Muskoka, as well as in the Township of Algonquin Highlands in the County of Haliburton, and are more particularly described in Schedule "A-1" attached hereto.

2. Confirmation of Lands Subject to Site Plan Agreement

The parties hereby confirm that the Section 51(26) Site Plan Agreement, save and except as amended herein, and further agree that the Site Plan Agreement should apply to all of the lands described on Schedule "A-1" to this First Site Plan Amending Agreement.

3. Confirmation of Site Plan Agreement

- 3.1 Schedule "A" attached to the Section 51(26) agreement is hereby deleted and replaced with Schedule "A-1", attached hereto.

IN WITNESS WHEREOF the Owner has hereunto set his hand and seal, and the Township has hereunto affixed its corporate seals attested to by the hands of its duly authorized officers in that behalf.

FRANCIS HARRY EDGAR

SHEILA MARION EDGAR

THE TOWNSHIP OF LAKE OF BAYS

JANET PEAKE, MAYOR

MICHELLE PERCIVAL, CLERK

We have the authority to bind the Corporation.

DRAFT

SCHEDULE "A-1"

Amended Legal Description of the Lands

FIRSTLY:

Part of Parcel 27123 in the Register for Muskoka, being Part of Lot 34, Concession A, Township of Ridout, now in the Township of Lake of Bays, District Municipality of Muskoka, designated as Parts 1 and 2 on Plan 35R-5656 and Part 2 on Plan 35R-3984.

Hereinafter referred to as the "Lake of Bays Lands".

SECONDLY:

Part of Lot 34, Concession A, Township of Sherborne, now in the Township of Algonquin Highlands, County of Haliburton, designated as Part 1, Plan 19R-1605 SAVE AND EXCEPT Part 1 on Plan 19R-8162.

Hereinafter referred to as the "Algonquin Highlands Lands".