

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: May 26th, 2009
RE: RELEASE OF CONSENT [51(26)] AGREEMENT
File: D 03/09 LOB
Applicant: Francine Gaasenbeek
Agent: Brian Slocum
Block 10 on Plan 35M-670, Part Lot 1, Concession 14, Ridout Ward
Roll No. 010-021-06700
Civic Address: Bobshire Road - vacant

RECOMMENDATION:

That Council give three readings to By-law 09-63 to authorize the Mayor and Clerk to release the existing agreement between the Corporation of the Township of Lake of Bays and Francine Gaasenbeek for Block 10 on Plan 35M-670, being in Part of Lot 1, Concession 14, in Ridout Ward (Roll No. 010-021-06700) and registered on December 23, 1981 as Instrument No. 107373.

ORIGIN:

This property was the subject of consent application **B/525/80/LB**, which was granted in order to provide a right-of-way to the property to the south in Part Lot 1, Concession 14, Ridout Ward. The benefiting property was later developed with the Bobshire/Sinclair subdivision (file 44T-91013). Bobshire Road was then constructed on this right-of-way in order to access the subdivision, and Bobshire Road is now in Township ownership.

The applicant recently purchased Block 10 on Plan 35M-670, which is one of the lots created under the Bobshire subdivision. In order to clear the title to the property, the applicant's agent is requesting that the agreement be released from the title of the property. Accordingly, this application proposes to release the consent agreement from the title of the property.

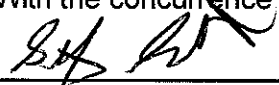
ANALYSIS:

It appears that the subject agreement was required as a condition of consent in order to ensure viable access to the benefiting lands owned, at that time, by John Joseph Wintermeyer. In the intervening years, the property was subdivided (10 lots in total) by Bobshire Holdings and Mary Sinclair, and all but one of the resulting lots have been sold. The legal descriptions contained in the agreement refer to a series of plan numbers of a 66 ft wide roadway, and were to be used with the benefiting lands as one parcel of land for land use purposes. This roadway has since been transferred to the Township, presumably through the creation of the subdivision, and is known as Bobshire Road. Given that the benefiting lands now have legal access via a Township road, it is redundant to have this agreement on title and staff have no concerns with the release of the agreement.

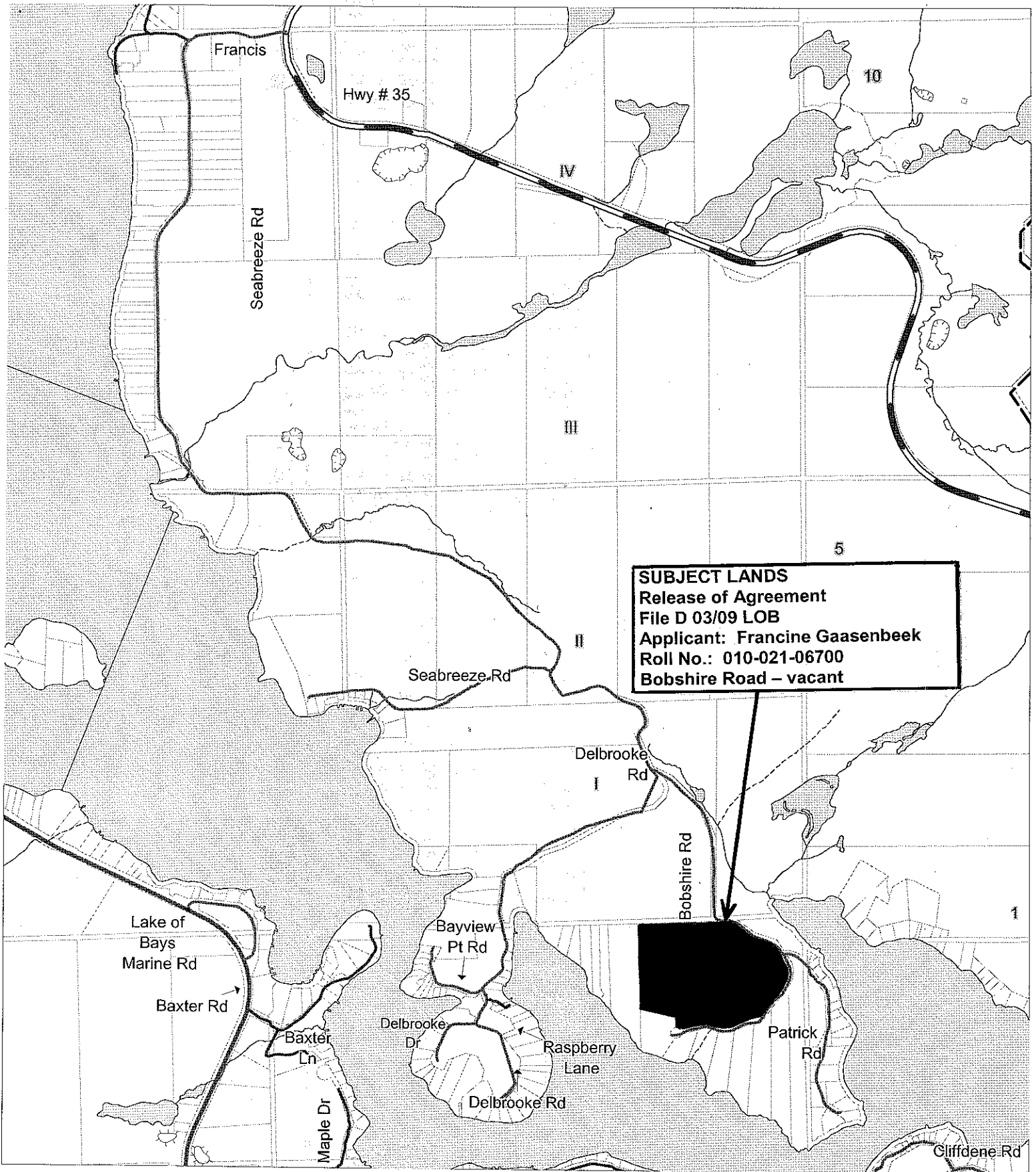
Respectfully submitted by:

With the concurrence of:

Kelly Stronks, CPT
Planning Technician



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



SUBJECT LANDS
Release of Agreement
File D 03/09 LOB
Applicant: Francine Gaasenbeek
Roll No.: 010-021-06700
Bobshire Road – vacant

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-63**

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN DOCUMENTS WITH RESPECT TO THE RELEASE OF A CONSENT AGREEMENT BETWEEN FRANCINE GAASENBEEK AND THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS.

WHEREAS the Council of the Corporation of the Township of Lake of Bays deem it necessary to release a Consent Agreement with Francine Gaasenbeek, which had been required as a condition of consent application B/525/80/LB; and

AND WHEREAS the property subject to this Agreement is described as follows:

Part of Lot 1, Concession 14, Ridout Township, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Block 10 on Plan 35M-670.

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays hereby authorizes the Mayor and Clerk to sign such documents, relative to the above release Agreement.

READ a FIRST and SECOND time this 26th day of May, 2009.

Mayor

Deputy Clerk

READ a THIRD time and finally passed this 26th day of May, 2009.

Mayor

Deputy Clerk

RELEASE

BETWEEN: THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

hereinafter called the "Township"

- and -

FRANCINE GAASENBEEK

hereinafter called the "Owner"

WHEREAS the Owner's predecessor in title and the Township executed the following Agreement pursuant to Section 29(25) of the Planning Act, R.S.O., 1980 ch P. 379, as amended, as a result of consent application **B/525/80/LB**, and which affected the lands described on Schedule "B" attached hereto, hereafter referred to as the "Lands":

- a) Consent [51(26)] Agreement dated October 15, 1981, registered as Instrument 107373 on December 23, 1981;

at the Land Registry Office in Bracebridge.

AND WHEREAS the Township now wishes to release the Lands from the Agreement, as all conditions in the Agreement that relate to the Lands have been fulfilled.

NOW THEREFORE witnesseth that in consideration of the sum of TWO (\$2.00) DOLLARS paid by the Owner to the Township (the receipt of which is hereby acknowledged) the Owner and the Township covenant, declare and agree as follows:

1. The lands affected by this Release (the "Released Lands") are described on Schedule "B" attached hereto;
2. The Township hereby releases the Released Lands from the provisions of the Agreement registered in the Land Registry Office for the Land Titles Division of Muskoka as Instrument Number 107373 on December 23, 1981;
3. The Township hereby consents to the deletion of Instrument Number 107373 from the Parcel Register for the Released Lands.

DATED at the Township of Lake of Bays this day of , 2009.

**THE CORPORATION OF THE
TOWNSHIP OF LAKE OF BAYS**

JANET PEAKE, MAYOR

MICHELLE PERCIVAL, CLERK

We have the authority to bind the Corporation.

SCHEDULE "A"

**Legal Description of the Lands
to be Released**

Parcel 10-1, Section 35M-670, Block 10, Plan 35M-670, in the Township of Lake of Bays, in the District Municipality of Muskoka.