

The Corporation of the Town of Minto
By-law No. 2016-41

to authorize the Mayor and CAO Clerk to execute an Encroachment Agreement between the Corporation of the Town of Minto and the County of Wellington, 265 Bell Street

WHEREAS Section 9 of the Municipal Act, S.O. 2001, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, as amended, provides that municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Owner of the Palmerston Library property located at 265 Bell Street at the corner of Bell Street and James Street, Town of Minto (former Town of Palmerston), County of Wellington wishes to confirm long term maintenance responsibilities with the Town for the front access to the library and the cenotaph lands;

AND WHEREAS the Town is the owner of Bell Street, in the said Town of Minto (former Town of Palmerston), County of Wellington (hereinafter called the "Town lands") and wishes to facilitate the Owner's development and maintenance of the Library and cenotaph lands;

AND WHEREAS the Owner and the Town are entering into this Agreement to recognize the encroachment of certain landscaping and underground servicing features into Bell Street for the purposes of servicing the access to the Palmerston Library (the "Encroachment").

AND WHEREAS the Parties wish to provide for the conveyance of the cenotaph east of the Library to the Town along with maintenance and capital replacement responsibilities.

AND WHEREAS the Town agrees to grant such permission for certain encroachments and the Owner is prepared to transfer the cenotaph to the Town upon the terms and conditions set out in the Agreement attached hereto as Schedule A forming a part of this By-law.

NOW THEREFORE the Parties agree as follows:

1. That the Mayor and C.A.O. Clerk are hereby authorized to sign and execute the Encroachment Agreement attached hereto as Schedule "A".
2. That this By-law shall come into force and take effect on the date of final passing thereof.

Read a first, second, third time and passed in open Council this 7th day of June, 2016.

Mayor George A. Bridge

C.A.O. Clerk Bill White