



BY-LAW

NO. 2023 –

Being a By-law to Authorize an Agreement with His Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Construction of a Watermain on Highway #21

Whereas Section 8 (1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and 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 that Section 11 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws, respecting matters within the sphere of jurisdiction of highways, including public utilities; and

Whereas the Province of Ontario owns Provincial Highway #21, Municipality of Kincardine; and

Whereas Council of The Corporation of the Municipality of Kincardine deems it advisable to enter into an Agreement with His Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario, to construct a watermain crossing Highway #21; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That The Corporation of the Municipality of Kincardine enter into an Agreement with the His Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario, for the construction of a watermain crossing Highway #21, Municipality of Kincardine, in accordance with the terms and conditions outlined in the Agreement attached hereto as Schedule 'A' and forming part of this By-law.
2. That the Mayor and Clerk be authorized to sign and execute, on behalf of The Corporation of the Municipality of Kincardine, the Agreement with the His Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario.
3. That this By-law shall come into full force and effect upon its final passage.
4. That this By-law be cited as "Ministry of Transportation Watermain Agreement (2023) By-law".

Read a First and Second Time this 10th day of July, 2023.

Read a Third Time and Finally Passed this 10th day of July, 2023.

Mayor

Clerk