



## BY-LAW

NO. 2023 –

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### Being a By-law to Authorize a Mutual Agreement for Drainage Works for the Roach Drain

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**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** under Section 2 of the Drainage Act, RSO 1990 when two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works; and

**Whereas** Roy Ernest Roach & Joyce Lynn Roach, Elmer Albrecht & Sharon Linda Albrecht, Burnside Farms (2012) Ltd., and Karen Elizabeth Stam, which will affect a portion of Municipal property; 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 the Roach Drain Agreement with Roy Ernest Roach & Joyce Lynn Roach, Elmer Albrecht & Sharon Linda Albrecht, Burnside Farms (2012) Ltd., and Karen Elizabeth Stam, attached hereto as Schedule "A".
2. That the Mayor and Clerk be authorized to sign and execute, on behalf of The Corporation of the Municipality of Kincardine.
3. That this By-law shall come into full force and effect upon its final passage.
4. That this By-law be cited as "Roach Drain Agreement (2023) By-law".

**Read a First and Second Time** this 8<sup>th</sup> day of November, 2023.

**Read a Third Time and Finally Passed** this 8<sup>th</sup> day of November, 2023.

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Mayor

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Clerk