

Bylaw # 2

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 02-523

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF A SITE PLAN CONTROL AGREEMENT DATED THE 7th DAY OF APRIL, 2002 BETWEEN RICK AND PAULINE LOCKHART AND THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI RELATING TO THE DEVELOPMENT OF CERTAIN LANDS DESCRIBED AS SUMMER RESORT LOCATION RW 3 BEING ISLAND 1022, IN LAKE TEMAGAMI IN THE MUNICIPALITY OF TEMAGAMI AND DESIGNATED AS PARCEL 16859 IN THE PARCEL REGISTER FOR NIPISSING.

WHEREAS Subsection 7(c) and Subsection 10 of Section 41 of the Planning Act, RSO 1990, C.P. 13 empowers a municipality and the Owner to enter into an agreement imposed as a condition to the approval of Site Plan Control and any such agreement may be registered against the land to which it applies and the Municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI HEREBY ENACTS AS FOLLOWS:


THAT the Corporation of the Municipality of Temagami do enter into that certain agreement dated the day of 17th of APRIL, 2002 between Rick and Pauline Lockhart and the Corporation of the Municipality of Temagami relating to the development of certain lands described as Summer Resort Location RW 3 being Island 1022, in Lake Temagami, in the Municipality of Temagami and designated as Parcel 16859 in the Parcel Register for Nipissing upon and subject to the terms and conditions set forth in the said agreement.

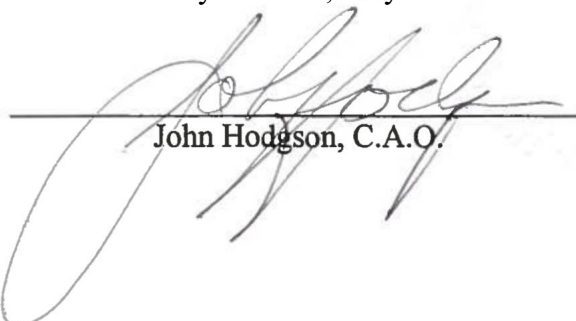
THAT the Mayor and C.A.O. be and they are hereby authorized and empowered to execute the aforesaid agreement dated the 17th day of APRIL, 2002 on behalf of the Corporation of the Municipality of Temagami and to affix thereto the Corporate Seal.

Read a first time in open meeting this 17th day of APRIL, 2002.

Read a second time in open meeting this 17th day of APRIL, 2002.

Read a third time and passed in open meeting this 17th day of APRIL, 2002.


Wayne Adair, Mayor


John Hodgson, C.A.O.

THIS AGREEMENT made this 17th day of April, 2002.

BETWEEN:

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

(hereinafter called "*the Municipality*")

OF THE FIRST PART

- and -

RICK AND PAULINE LOCKHART

(hereinafter called "*the Owner*")

OF THE SECOND PART

WHEREAS the Owner has made application to the Municipality to develop and/or redevelop the lands and premises described on Schedule 'A', attached hereto, which are within a Site Plan Control Area;

AND WHEREAS the proposed development of the subject lands by the Owner is to be in accordance with the site plan control area requirements as set forth in By-law No. 23 ^27 passed pursuant to Section 41 of the Planning Act, RSO 1990, C.P. 13;

AND WHEREAS the Parties hereto have agreed that the specific provisions as set forth herein shall be met by the Owner as a condition to the approval of the development of the lands;

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and conditions herein set forth the Parties, hereto, agree as follows:

1. LANDS AFFECTED

- 1.1 The lands affected by this Agreement, which are more particularly described as Summer Resort Location RW 3 being Island 1022, in Lake Temagami, Geographic Township of Joan, now in the Municipality of Temagami and designated as Parcel 16859 in the Register for Nipissing as shown on Schedule 'A', attached hereto and forming part of this Agreement.

2. PROVISIONS

- 2.1 The location of buildings and structures shall be as shown on Schedule 'B'.
- 2.2 The location of the recommended dock locations shall be as shown on Schedule 'B'.
- 2.3 The size, location and type of sewage disposal system leaching beds shall be as shown on Schedule 'B'.
- 2.4 The location of existing natural tree, shrub and ground vegetation to be retained shall be as shown on Schedule 'B'.
- 2.5 The location of existing natural tree, shrub and ground vegetation to be retained shall be as shown on Schedule 'B'.
- 2.6 The location of view/access corridors between the shoreline and cabin sites shall not exceed 5 metres in width and shall be as shown on Schedule 'B'.
- 2.7 The location of trail routes connecting cabin sites and between cabin sites and the

- 2.8 The Owner agrees that no portion of a sewage disposal system leaching bed discharging effluent to the soil shall be located or installed closer than 20 m from the high water mark as shown on Schedule 'B'.
- 2.9 The Owner agrees to maintain all natural tree, shrub and ground vegetation as shown on Schedule 'B' except where limited clearing is required to provide sites for building and structures, locations for sewage disposal leaching beds, trail routes, and access/view corridors to the shoreline in order to maintain and protect the natural aesthetics of the Lake Temagami landscape. Clearing around buildings and structures shall be limited to within 3 m of building walls.
- 2.10 The Owner agrees that no alteration of soil mantles and no alteration in elevation or contour of the land shall be permitted except where site landscaping and clearing is required to provide sites for buildings and structures, safe access within trail routes and locations for sewage disposal leaching beds.
- 2.11 Within view/access corridors, the Owner agrees not to remove the natural flora ground cover or low shrubs within 3 m of the shoreline in order to maintain and protect riparian shrub vegetation.
- 2.12 The Owner agrees that no dock placement or construction or other in-water work shall be undertaken from May 15 to July 15 in order to protect potential smallmouth bass spawning.

3. AGREEMENT REGISTRATION

- 3.1 This Agreement or any notice of this Agreement shall be registered against the subject lands at the expense of the Owner. The Municipality shall enforce the provisions hereof against the Owner and any and all subsequent owners of the subject lands. The Owner agrees not to request the deregistration of this agreement without the written consent of the Municipality.
- 3.2 The Parties agree that this Agreement shall be registered against the Owner's lands within thirty (30) days of the execution thereof by the Municipality.

4. BUILDING PERMITS

- 4.1 The Owner agrees to not request the Chief Building Official to issue a building permit to carry out the development until this Agreement has been registered on title to the lands described in Schedule 'A' attached hereto and a registered copy of the Agreement has been provided to the Municipality.

5. ENFORCEMENT

- 5.1 The Owner agrees to carry out the works described herein according to the provisions of this Agreement. In the event that the Owner deviates from said provisions, in addition to any other remedy, the Owner hereby authorizes the Municipality, its offices, servants, agents and employees to enter on the subject lands and to correct the deviation at the Owner's expense and to add the cost thereof to the Collector's Roll for the said lands and to collect the said costs, with interest in like manner as municipal taxes.
- 5.2 The parties acknowledge the provisions of Section 67 of the Planning Act, R.S.O. 1990 Chap. P.13 which provides that persons who contravene Section 41 of the Planning Act are liable on a first conviction to a fine of not more than \$25,000 and on a subsequent conviction of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.


6. AMENDMENT, EFFECT AND NOTICE


- 6.2 The Agreement shall come into effect on the date of execution by the Parties.
- 6.3 Any notice required to be given pursuant to the terms of this Agreement shall be in writing and mailed or delivered to the current address of the other Party.

WITNESS the signature and seal of the parties hereto.

THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI


Mayor - Wayne Adair


C.A.O. - John Hodgson

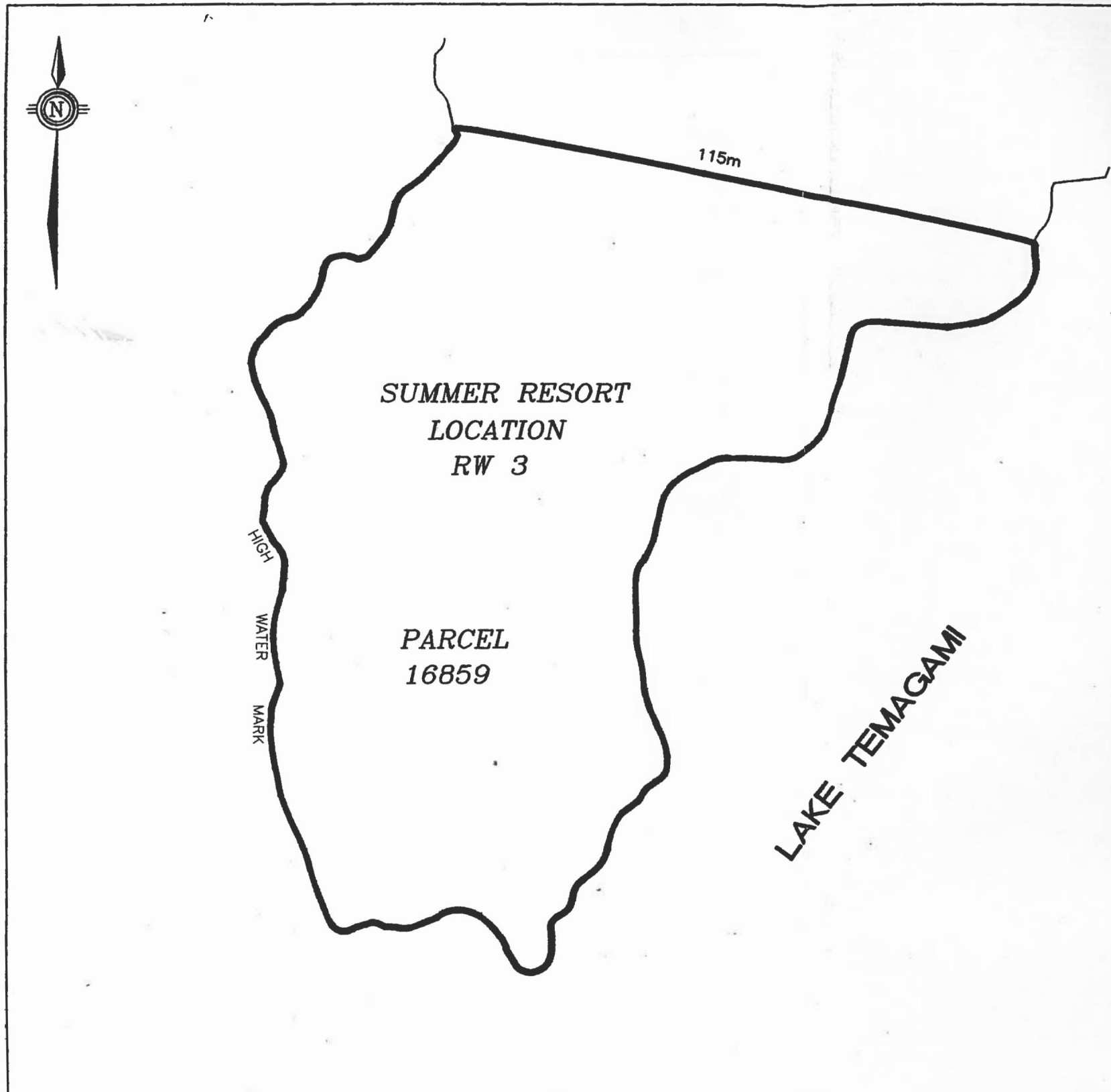

Owner - Rick Lockhart


Owner - Pauline Lockhart

THIS AGREEMENT AUTHORIZED BY BY-LAW NO.
17 DAY OF APRIL, 2002.

02-523 DATED THIS

SITE PLAN



THIS IS SCHEDULE 'A'
TO SITE PLAN CONTROL AGREEMENT AUTHORIZED BY
BY-LAW No. 02-523 PASSED THE 17th
DAY OF APRIL, 2002.

SUMMER RESORT LOCATION RW 3
PART OF ISLAND 1022
LAKE TEMAGAMI

LEGEND



AREA SUBJECT TO SITE PLAN CONTROL

NOTES:

LIMIT OF THE HIGH WATER MARK OF LAKE
TEMAGAMI AS SHOWN ON PATENTS PLAN
SUMMER RESORT LOCATION RW 3
PREPARED BY W.J. RYAN O.L.S. ON
AUG. 25, 1950.

SCALE : 1:1000

PROJECT No. 4419
DATE: SEPT. 1999

Rick Lockhart

RICK LOCKHART, OWNER

Pauline Lockhart

PAULINE LOCKHART, OWNER

Wayne Adair

WAYNE ADAIR, MAYOR

John Hodgson

JOHN HODGSON, C.A.O.

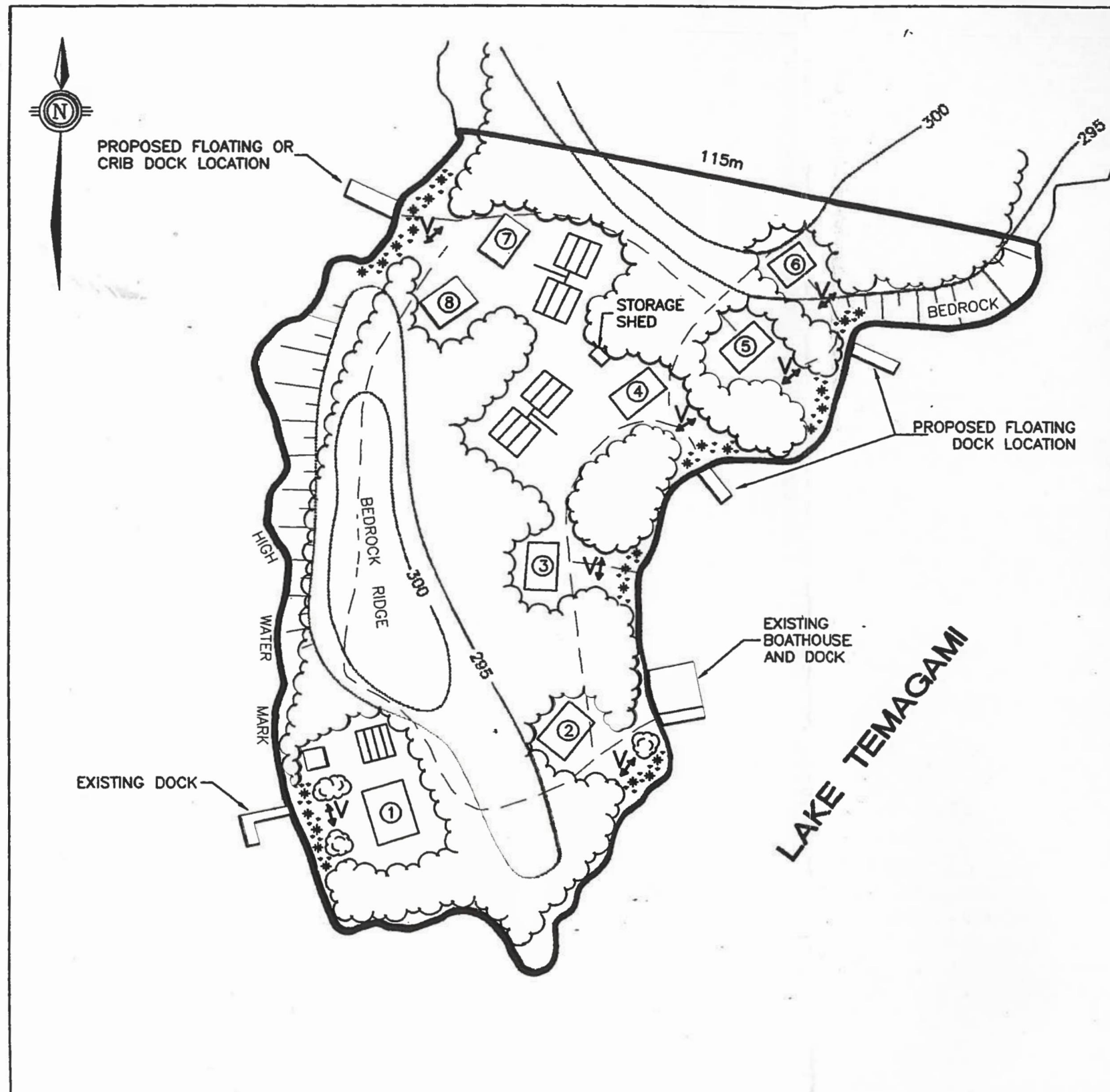
northland
engineering
limited
Consulting Engineers and Planners



NORTH BAY

CADFILE 4419-BASE

SITE PLAN



THIS IS SCHEDULE 'B'
TO SITE PLAN CONTROL AGREEMENT AUTHORIZED BY
BY-LAW No. 02-023 PASSED THE 17th
DAY OF APRIL, 2002.

SUMMER RESORT LOCATION RW 3
PART OF ISLAND 1022
LAKE TEMAGAMI

LEGEND

- HOUSEKEEPING CABIN
(NOT TO BE LOCATED CLOSER THAN
15m FROM HIGH WATER MARK)
- FILTER BED SEWAGE DISPOSAL SYSTEM
(NOT TO BE LOCATED CLOSER THAN
20m FROM HIGH WATER MARK)
- STEEP BEDROCK SHORELINE
- NATURAL SHORELINE SHRUB AND GROUND
VEGETATION TO BE RETAINED WITHIN
VIEW CORRIDOR (3m MIN. BUFFER WIDTH)
- NATURAL TREE, SHRUB AND GROUND
VEGETATION TO BE RETAINED
- TRAIL ROUTE
(NOT TO EXCEED 2m IN WIDTH)
- VIEW/ACCESS CORRIDOR
(NOT TO EXCEED 6m IN WIDTH)

NOTES:

LIMIT OF THE HIGH WATER MARK OF LAKE
TEMAGAMI AS SHOWN ON PATENTS PLAN
SUMMER RESORT LOCATION RW 3
PREPARED BY W.J. RYAN O.L.S. ON
AUG. 25, 1950.

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PROJECT No. 4419
DATE: SEPT. 1999

REVISED : JAN. 2000

RICK LOCKHART, OWNER

PAULINE LOCKHART, OWNER

WAYNE ADAIR, OWNER

JOHN HULSAN, OWNER

NORTHLAND
engineering
limited

Consulting Engineers and Planners
NORTH 101
CADFILE 4419-BASE