

THE CORPORATION OF THE TOWNSHIP OF CHAPPLE

BOX 4
BARWICK, ONTARIO
POW 1A0

WHEREAS Section 26 of the *Municipal Act, 2001*, S.O. 2001, c. 25, defines highways under the jurisdiction of a municipality;

AND WHEREAS Section 31 of the said Act provides that a municipality may establish a highway by by-law, but the Township of Chapple does not at this time intend to open or assume the road allowance as a public highway;

AND WHEREAS the Township is the owner of the unopened original road allowance described in **Schedule "A"** hereto (the "Road Allowance");

AND WHEREAS Morris Judson (the "Proponent") has requested permission to undertake improvements or construction on the Road Allowance to facilitate access to adjacent lands, at the Proponent's sole expense;

AND WHEREAS Council wishes to permit the proposed works on the understanding that the Township shall not be responsible for any costs, maintenance, or liabilities related to the works or the Road Allowance;

NOW THEREFORE BE IT RESOLVED THAT:

1. Authorization to Undertake Works

Council hereby authorizes Morris Judson to undertake works on the unopened original road allowance described in Schedule "A", at the Proponent's sole cost and risk, subject to the following conditions:

- All work shall be performed in a safe and workmanlike manner;
- The Proponent shall obtain any necessary permits or approvals from relevant authorities.
- The Township shall not be responsible for supervision, maintenance, or costs related to the works; and
- The Proponent shall take reasonable steps to prevent damage to municipal or private property and to ensure public safety during construction.

2. Status of the Road Allowance

For greater certainty, nothing in this resolution shall be construed as:

- Opening, establishing, or assuming the Road Allowance as a public highway under Section 31 of the *Municipal Act, 2001*;

- Creating any obligation upon the Township to maintain or repair the Road Allowance; or
- Transferring ownership or control of the works to the Township.

3. Notice

The Clerk is directed to give notice of this resolution to adjacent landowners and to post a copy of the resolution on the Township's website for at least 30 days following adoption.

4. Future Consideration

Upon completion of the works, Council may, at its sole discretion, consider a future by-law under Section 31 of the *Municipal Act, 2001* to formally open and assume the Road Allowance as a public highway, if deemed to be in the public interest.

SCHEDULE "A"

Description of Road Allowance

RDAL RUNNING THROUGH LT 1 to 8 RIVER RANGE BARWICK LYING S OF
THE CANADIAN NATIONAL RAILWAY; CHAPPLE

DRAFT