THE CORPORATION OF THE MUNICIPALITY OF MORRIS-
TURNBERRY

BY-LAW NO. 45-2011

Being a by-law to enter into an Agreement with the Township of North Huron for the extension of the watermain on Arthur Street in the Town of Wingham to supply water to properties on Arthur Street and provide water service for fire hydrants, as required.

WHEREAS, the Municipal Act, 2001, as amended, permits the Councils of all municipalities to enter into certain agreements; and Section 11 (3) starts: A lower tier municipality may pass by-laws, respecting matters within the following spheres of jurisdiction: and Subsection 4. authorizes Public Utilities;

AND WHEREAS, the Municipal Act, 2001, as amended, Section 20 (1) states: a municipality may enter into an agreement with one or more municipalities or local bodies, for their joint benefit, any matter which all of which they have the power to provide within their own boundaries; and Section 20 (2) – Joint Undertaking states: The Municipality may provide the matter in accordance with the agreement anywhere that any of the municipalities have the power to provide the matter;

AND WHEREAS, the Municipality of Morris-Turnberry is desirous to enter into an agreement with the Township of North Huron;

NOW THEREFORE, the Municipal Council of the Municipality of Morris-Turnberry enacts as follows:

1. That the Municipality of Morris-Turnberry hereby enters into an agreement with the Township of North Huron, in accordance with the agreement attached hereto as Schedule ‘A’;

2. That the Mayor and Clerk are hereby empowered to sign and execute all necessary documents in order to effect this said agreement;

3. That the said by-law shall come into force on the final passing thereof.

Read a first, second, third and final time this 2nd day of August, 2011

Mayor – Paul Gowing

Clerk – Nancy Nliche
DEVELOPMENT AGREEMENT

This agreement made in triplicate on the 2nd day of August, 2011 A.D.

BETWEEN:
The Corporation of the Municipality of Morris-Turnberry
Hereinafter called 'Morris-Turnberry' of the First Part

-and-

The Corporation of the Township of North Huron
Hereinafter called the 'North Huron' of the Second Part

Whereas, North Huron is the owner of the water system:

And Whereas, the Morris-Turnberry has agreed to enter into an agreement with the North Huron, for the extension of Arthur Street, approximately 200 meters north, to install a 6 inch watermain to provide water service and allow for the installation of fire hydrants;

And Whereas, North Huron estimates that the cost to construct the Arthur Street Extension of approximately 200 meters of watermain and fire hydrant, including engineering and installation is $17,000.00;

NOW THEREFORE BE IT RESOLVED THAT:

1.0 North Huron agrees to install 200 meters of watermain, on Arthur Street traveling north from Water Street, and fire hydrant at 237 Arthur Street, to be installed as soon as practically possible after design and all approvals are granted;

2.0 Morris-Turnberry agrees to pay the North Huron $10,200.00 or 3/5’s of the actual costs, based on 3 lots to be serviced in Morris-Turnberry and North Huron agrees to pay $6,800.00, based on 2 lots to be serviced in North Huron;

3.0 That North Huron agrees to share all invoices and records involving the construction of the Arthur Street extension and fire hydrant, at the request of Morris-Turnberry;

4.0 That the watermain will become part of the North Huron Water System, under the care and control of North Huron.

This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

In Witness whereof the parties hereto have executed this Agreement.

Signed, Sealed and Delivered this 2nd day of August, 2011 A.D.

The Corporation of the Municipality of Morris-Turnberry

Mayor: Paul Gowing

Administrator Clerk-Treasurer: Nancy Michie
(We have authority to bind the Corporation)

The Corporation of the Township of North Huron

Reeve: Neil Vincent

CAO/ Clerk: Gary Long
(We have authority to bind the Corporation)