



The Corporation of the Township of Horton

Special Council Meeting

Horton Municipal Chambers

April 26th, 2022

4:00 p.m.

NOTE: This meeting will be sparsely attended, due to social distancing protocols that have been recommended by the federal and provincial governments. Members of the Public, Media and other staff are requested not to attend. Please contact the CAO/Clerk if you have any questions or require additional information.

1. Call to Order
2. Confirmation of Agenda
3. Declaration on Pecuniary Interest
4. Staff Report – Request to Build – Draper **PG.2**
5. By-Law:
2022-20 Authorize Agreement – Draper – Permit Building **PG.4**
6. Confirming By-Law 2022-24 **PG.7**
7. Adjournment

RETURN TO AGENDA



Township of Horton COUNCIL / COMMITTEE REPORT

Title: Draper – Request to Build	Date:	April 26, 2022
	Council/Committee:	Council
	Author:	Hope Dillabough, CAO/Clerk
	Department:	Planning

RECOMMENDATIONS:

THAT Council receive this report as information.

BACKGROUND:

In July 2021, developer Eric Draper applied for three (3) severances off the property located on 4420 River Road. This item was previously brought to Council on April 5, and Council agreed to table.

As he waits for the severances to be finalized, Mr. Draper is requesting permission to move ahead and build a Single-Family Dwelling on the retained portion of the lands, while waiting for the severance of the existing dwelling to be finalized.

Staff has drafted an agreement to be entered into with Mr. Draper that addresses the above-mentioned. Mr. Draper has recommended pay the Township a \$20,000.00 deposit to enable the process of obtaining a building permit for a personal residence, which will be held by the Township for three years or reimbursed when the severance of the existing home, B111/21 (1), is complete. These details are drafted within the agreement, as attached.

ALTERNATIVES:

Council does not have to permit the request and can choose to wait until the severances are finalized, however it's an undetermined amount of time with the County's response and Mr. Draper would like to start building as soon as possible.

FINANCIAL IMPLICATIONS:

Building and septic permit fees, and lot development fees would be received by the Township upon approval of the permits. Additionally, new residential adds growth and assessment to the municipality.

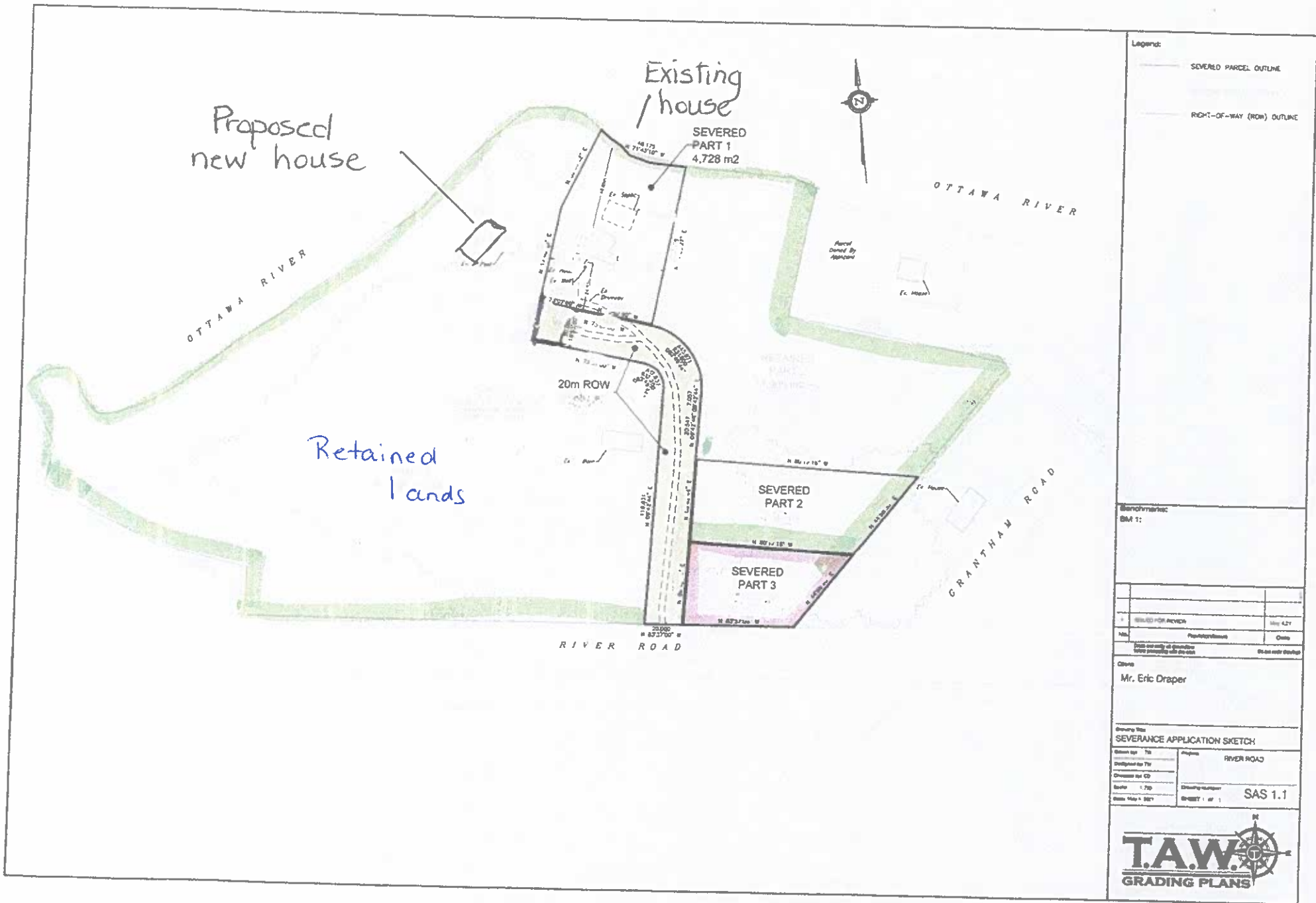
ATTACHMENTS:

Map

Prepared by: Hope Dillabough, CAO/Clerk

RETURN TO AGENDA

Rough Site Plan



RETURN TO AGENDA

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2022-20

BEING A BY-LAW TO AUTHORIZE THE CORPORATION OF THE TOWNSHIP OF HORTON TO ENTER INTO AN AGREEMENT WITH ERIC AND MARION DRAPER TO PERMIT CONSTRUCTION OF A NEW DWELLING PRIOR TO CONSENT COMPLETION

WHEREAS Section 10(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS The Council of the Township of Horton has reviewed the attached agreement and is of the opinion that the attached agreement is desirable.

NOW THEREFORE the Council of the Corporation of the Township of Horton hereby **ENACTS AS FOLLOWS:**

1. **THAT** the Mayor and CAO/Clerk be and are hereby authorized and directed to execute the attached agreement to this By-Law on behalf of the Corporation of the Township of Horton and to affix to it the corporate seal of the Corporation of the Township of Horton.
2. **THAT** this agreement attached hereto as 'Appendix 1' shall form a part of this By-Law.
3. **THAT** this By-law shall come into force and take effect upon the date of the final passing thereof.
4. **BE IT FURTHER ENACTED** that all By-Laws or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a first and second time this 26th day of April, 2022.

READ a third time and passed this 26th day of April, 2022.

MAYOR David M. Bennett

CAO/Clerk Hope Dillabough

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'APPENDIX 1'

AGREEMENT

BETWEEN:

The Corporation of the Township of Horton
Herein referred to as "the Municipality"

-and-

Eric Draper and Marion Draper
Herein referred to as "the Owner"

WHEREAS the Owner is the owner of lands legally described as Concession 8 Part of Lot 11 in the Township of Horton and located at 4420 River Road.

AND WHEREAS the Owner wishes to construct a new dwelling on the said property while consent application B111/21 (1) is being finalized and completed, which results in the new dwelling on a newly created lot.

AND WHEREAS the Parties have agreed to enter into an agreement providing for the construction of a Single-Family Dwelling on the property of 4420 River Road until the consent application B111/21 (1) is completed.

THEREFORE IN CONSIDERATION of the Municipality allowing the construction of a dwelling prior to the completion of consent, the Parties hereto agree as follows:

1. The Owner agrees that the constructing a new dwelling on the same property is non-conforming and in violation of Municipal By-Laws.
2. The Owner agrees to submit a certified cheque in the amount of \$20,000.00 payable to "Township of Horton" as a security deposit. The cheque will be returned to the Owner upon completion of consent application B111/21 (1).
3. In the even the Owner fails to honor the terms of this Agreement, the Municipality will be at liberty to enter onto the property of the Owner and demolish the existing dwelling. All costs incurred to demolish this dwelling will be added as a lien on the property and collected in the same manner as property taxes.
4. The Owner agrees that the new dwelling will be erected on the premises in accordance with the Township of Horton's Comprehensive Zoning By-Law No. 2010-14 and all other applicable by-laws. Upon mutual consent of this agreement, the Municipality will issue all required permits once we have received the proper applications and all required documentation.
5. The Owner agrees that upon approval of the required permits, all fees, including the lot development fee, shall be paid upon retrieval.
6. The Owner agrees that the Municipality may if it so desires register notice of this Agreement on the Owner's title.
7. This agreement shall ensure to the benefit of and be binding on the respective heirs, executors, administrators and assigns of each of the parties to it.

RETURN TO AGENDA

IN WITNESS WHEREOF, THE MUNICIPALITY has hereunto affixed its Corporate seal, duly attested to by the hands of its proper signing officers duly authorized in that behalf. The Owner has hereunto affixed her hand and seal.

SIGNED, SEALED AND DELIVERED

)
) _____
) Eric Draper

)
) _____
) Marion Draper

)
) THE CORPORATION OF THE
) TOWNSHIP OF HORTON

)
) _____
) MAYOR David M. Bennett

)
) _____
) CAO/CLERK Hope Dillabough

CORPORATION OF THE TOWNSHIP OF HORTON**BY-LAW NO. 2022-24****A BY-LAW TO CONFIRM PROCEEDINGS OF
THE COUNCIL OF THE TOWNSHIP OF HORTON
AT THE SPECIAL COUNCIL MEETING HELD APRIL 26TH, 2022**

WHEREAS Subsection 5(1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS it is deemed expedient and desirable that the proceedings of the Council of the Corporation of the Horton at this meeting be confirmed and adopted by by-law;

THEREFORE the Council of the Township of Horton enacts as follows:

1. That the actions of the Council at the meeting held on the 26th day of April, 2022 and in respect of each motion, resolution and other action passed and taken by the Council at its said meetings, is, except where the prior approval of the Ontario Municipal Board or other body is required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law.
2. That the Head of Council and proper officers of the Corporation of the Township of Horton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain appropriate approvals where required, except where otherwise provided, and to affix the Corporate Seal of the Corporation of the Township of Horton to all such documents.
3. That this By-Law shall come into force and take effect upon the passing thereof.

READ a first and second time this 26th day of April, 2022.

READ a third time and passed this 26th day of April, 2022.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

RETURN TO AGENDA