

RURAL MUNICIPALITY OF MORRIS

BY-LAW NO. 1326/86

BEING a By-law authorizing the execution of an agreement between the R. M. of Morris and Dietrich KohlleppeL.

WHEREAS the Rural Municipality of Morris has been requested by Dietrich KohlleppeL to provide access along the closed municipal road allowance between River Lots 495 and 497;

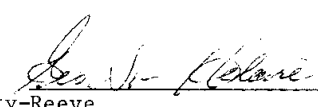
AND WHEREAS Dietrich KohlleppeL is the owner of that portion of River Lot 495 lying East of P.T.H. No. 75 and he wishes to have access onto this property;


AND WHEREAS this municipal road allowance between River Lots 495 and 497 was closed by By-law No. 847 of the R. M. of Morris in 1958;

THEREFORE BE IT RESOLVED that the Rural Municipality of Morris, in Council, duly assembled enacts as follows:

1. That the Rural Municipality of Morris does now authorize the entering into a right-of-way agreement with Dietrich KohlleppeL for the purpose of allowing Dietrich KohlleppeL, or his representatives and successors in title, access onto River Lot 495, which is located East of P.T.H. No. 75, and which access shall be along that portion of the closed road allowance stated in the attached agreement.
2. That the agreement mentioned above shall be considered as schedule "A" to this By-law.
3. That the Reeve and the Secretary-Treasurer are hereby authorized to sign all necessary documents on behalf of the municipality in order to complete this agreement.

DONE AND PASSED in open Council of the Rural Municipality of Morris assembled this 13th day of November, 1986.


Deputy-Reeve


Secretary-Treasurer.

THIS AGREEMENT made in duplicate this 25th day of September,
A.D. 1986.

BETWEEN:

THE RURAL MUNICIPALITY OF MORRIS
(hereinafter referred to as the "Grantor")

- and -

DIETRICH KOHLLEPPEL, of the Rural Municipality
of Morris, in Manitoba, Farmer,

(hereinafter referred to as the "Grantee")

WHEREAS the Grantee is the registered owner of the lands hereinafter described, which lands are situated immediately ~~west~~(south) of a municipal road allowance, closed by by-law of the R.M. of Morris in 1958;

AND WHEREAS the Province of Manitoba acquired a portion of said lands for construction of a water control work known as the Roberts-MacTavish Drain, a plan of which is registered in the Winnipeg Land Titles Office as No. 17983;

AND WHEREAS access to portions of the Grantee's lands has been destroyed unless permission to use that portion of said road allowance (now closed) for access to the Grantee's lands is given;

AND WHEREAS an easement of necessity appears to have been created by the construction of said Water Control Work;

THEREFORE NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. The Grantor hereby grants to the Grantee, her personal representatives and successors in title, right-of-way for access to that portion of R.L. 495 lying East of PTH No. 75 purposes/over and upon the most Westerly 500 feet in perpendicular depth of all that portion of the said road allowance lying to the east of PTH No. 75, which lies between RL 495 and 497, of the Parish of

Ste. Agathe, which right-of-way shall not be considered exclusive and which shall be shared with the registered owner or owners, present or future, of R.L. 497, contiguous to that portion of said road allowance over which said Right-of-Way is hereby granted.

2. The Grantor shall be under no responsibility to maintain said Right-of-Way so as to make same useable by the Grantee, and in particular, shall not be responsible for any accident, injury, loss or harm resulting from the use of said lands by the Grantee or any person or persons entering upon same with the permission, express or implied, of the Grantee.

3. The taking of any portion of the said Right-of-Way for a public road or other public work by the Government of Canada or Manitoba, or the municipality, shall terminate the Right-of-Way herein granted as to that portion taken for said work, but the Right-of-Way herein granted shall remain in full force and effect for the balance.

4. Attached to and forming a part of this agreement is a sketch (marked Schedule "A") of the road allowance, and contiguous lands, which are intended to be affected by the Right-of-Way herein granted.

5. The Grantee undertakes and agrees not to erect upon said road allowance any structure which affects or may affect the passage of others lawfully entitled to make use of the said lands for purposes of access.

6. The Right-of-Way herein granted by the Grantor to the Grantee is only for that portion of said road allowance hereinbefore described and is effective only for the purpose aforesaid.

7. This agreement shall enure to the benefit of and shall be binding upon each of the parties hereto and their respective personal representatives, successors and assigns.

IN WITNESS WHEREOF the parties have executed this agreement.

The R.M. of Morris

Per: *Leslie Holman* ^{Deputy} Reeve

Per: *J. Macaulay* Sec. Treas.
"Grantor"

SIGNED, SEALED AND DELIVERED)
in the presence of:)

J. B. Schmitt)
Witness)

Daniel Kullback)
"Grantee")



