

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. 594/12

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO AUTHORIZE THE ENTERING INTO AND EXECUTION OF AN AGREEMENT WITH KEITH KURIAN.

WHEREAS Section 250(2) of Part 8, Division 1 of The Municipal Act provides in part as follows:

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (d) enter into agreements with a person, with an agency of the Government of Manitoba or the Government of Canada, or with another municipality, including a municipality in another province, to do with or on behalf of the municipality anything the municipality has the power to do within the municipality;

AND WHEREAS it is deemed expedient and in the best interests of the residents of The Rural Municipality of Whitemouth that The Rural Municipality of Whitemouth enter into an agreement with Keith Kurian;

AND WHEREAS the terms of the agreement have been settled and are contained in the agreement attached hereto as Schedule "A";

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED that the Council of The Rural Municipality of Whitemouth, duly assembled, enact as follows:

1. **THAT** the entering into the proposed Agreement attached hereto as Schedule "A" is hereby approved and authorized.
2. **THAT** the Reeve and the Chief Administrative Officer of The Rural Municipality of Whitemouth are hereby authorized and instructed to execute the agreement, as set out in Schedule "A" attached hereto, for and on behalf of the Municipality.
3. **THAT** By-law No. 491/07 be hereby rescinded.

DONE AND PASSED by the Council of The Rural Municipality of Whitemouth in regular session assembled, this 7th day of November, AD., 2012.



Reeve



Chief Administrative Officer

Read a first time this 25th day of October, AD. 2012

Read a second time this 25th day of October, AD. 2012

Read a third time this 7th day of November, AD., 2012

THE RURAL MUNICIPALITY OF WHITEMOUTH

SCHEDULE "A" TO BY-LAW NO. 594/12

THIS AGREEMENT MADE IN DUPLICATE THIS 13th DAY OF NOVEMBER 2012

BETWEEN: THE RURAL MUNICIPALITY OF WHITEMOUTH

And

KEITH KURIAN

SNOW CLEARING CONTRACT

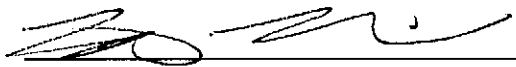
Keith Kurian of Green Inspirations Landscaping of Whitemouth Manitoba, hereby agrees to clear snow from the sidewalks in the communities of Elma and Whitemouth subject to the conditions set out below in the contract.

This contract will constitute an agreement between the Rural Municipality and Keith Kurian, whereby Keith Kurian agrees to the following terms:

1. That the contract applies to the sidewalks in Elma, excluding the sidewalk on the bridge, and sidewalks in Whitemouth.
2. The term of the contract shall be October 31st, 2012 to April 30th, 2015.
3. That where there has been a snow fall overnight, the sidewalks shall be cleared by 11 a.m. the following day, including Sunday. If snowfall continues in the morning hours, sidewalks will be cleared immediately after storm has ceased.
4. On sidewalks where there is no boulevard between the sidewalk and the road, no snow ridge shall be left on the street side of the sidewalk.
5. The rate for billing shall be "per clearing" as follows:
 - a. Elma: -2012/2013 - \$52.50
-2013/2014 - \$57.75
-2014/2015 - \$63.00
 - b. Whitemouth: -2012/2013 - \$157.50
-2013/2014 - \$168.00
-2014/2015 - \$178.00
6. That Keith Kurian shall indemnify and save harmless the R.M. of Whitemouth from and against all claims arising from the snow clearing operations and any other related winter maintenance activities covered under this Agreement.
7. That Keith Kurian hereby releases the R.M. of Whitemouth from any and all liability for damage to Keith Kurian or any related people or property by reason of any work carried out under this Agreement.
8. That Keith Kurian shall comply with all applicable municipal by-laws, and other laws and regulations in undertaking any work carried out under this Agreement.
9. Either party must provide thirty (30) days written notice to terminate the contract. Notice shall be mailed to the following addresses by either party:

Keith Kurian
Box 32
Whitemouth MB
R0E 2G0

R.M. of Whitemouth
Box 248
Whitemouth MB
R0E 2G0



KEITH KURIAN



THE R. M. OF WHITEMOUTH

DATED AT WHITEMOUTH MB THIS 13th DAY OF NOVEMBER, 2012.