

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. 552/10

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO AUTHORIZE THE ENTERING INTO AND EXECUTION OF AN AGREEMENT WITH KENTON GENE PENNER AND NANCY JAYNE PENNER

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 Kenton Gene Penner and Nancy Jayne Penner;

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

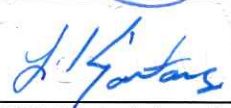
NOW THEREFORE BE IT AND IT IS HEREBY ENACTED that the Council of The Rural Municipality of Whitemouth, duly assembled, enact as follows:

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.

DONE AND PASSED by the Council of The Rural Municipality of Whitemouth in regular session assembled, this 13th day of June, AD., 2012.



Reeve



Chief Administrative Officer

Read a first time this 23rd day of May, AD. 2012
Read a second time this 13th day of June, AD. 2012
Read a third time this 13th day of June, AD., 2012

BUILDING RESTRICTION AGREEMENT

THIS AGREEMENT made in triplicate the 13th day of June A.D. 2012.

BETWEEN:

THE RURAL MUNICIPALITY OF WHITEMOUTH
(hereinafter called "the Municipality")

- and -

KENTON GENE PENNER and NANCY JAYNE PENNER
(hereinafter called "the Owners")

WHEREAS the Owners have made application to the appropriate governmental authority for consent to subdivide certain lands located within the Rural Municipality of Whitemouth;

AND WHEREAS the Municipality has given its consent to the application for subdivision on the condition that an Agreement be entered into between the Municipality and the Owners whereby the Owners agree that a residential dwelling shall not be constructed on the residual parcel;

NOW THEREFORE this Agreement witnesseth that in consideration of the mutual covenants herein contained and the sum of ONE DOLLAR (\$1.00) paid by each of the parties to the other, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:-

1. In consideration of the Municipality granting its consent to the application for subdivision submitted by the Owners, under File No. 4203-10-5384 of the Community Planning Services Branch of Manitoba Local Government, the Owners undertake and agree, on the Owner's own behalf, and on behalf of any subsequent owner, that no residential building shall be placed or constructed upon the lands being subdivided from that land where a residential building is presently located (or may be constructed or placed), by the Owners or any subsequent owner, subsequent to the subdivision and/or transfer of either parcel resulting from the subdivision application.
2. The residual lands to which the within Agreement shall apply are legally described as:

Parcels A through D, Deposit 51/2012 WLTO
3. The within Agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.
4. The Municipality shall be entitled to register the within Agreement in the Winnipeg Land Titles Office against the title of the residual land described above. The Owners shall reimburse the Municipality its costs in this respect.

IN WITNESS WHEREOF the Rural Municipality of Whitemouth has affixed its seal attested by the signatures of its proper officers, and Kenton Gene Penner and Nancy Jayne Penner have set their hands and seal the day and year first above written.



Witness



Kenton Gene Penner



Witness



Nancy Jayne Penner

THE RURAL MUNICIPALITY OF WHITEMOUTH



Reeve



Chief Administrative Officer