

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

**BY-LAW NO. 2020-03**

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Being a By-Law to authorize an agreement between the Corporation of the Municipality of Powassan and Evan Hughes Excavating-2170641 Ontario Ltd. regarding the Aggregate Pit located at Lots 24 and 25, Concession 7.

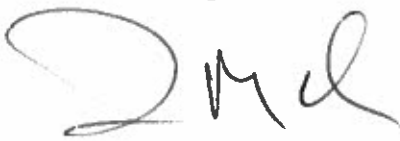
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**WHEREAS** the Corporation of the Municipality of Powassan is desirous of entering into an agreement with Evan Hughes Excavating-2170641 Ontario Ltd. for the continuation of the license extraction/lease agreement entered into on September 1, 2015.

**NOW THEREFORE** be it resolved that the Council of the Corporation of the Municipality of Powassan enacts as follows:

1. That the licence agreement outlined in Appendix "A" and forming part of this By-law be adopted.
2. That the Mayor and the Clerk be and are hereby authorized to execute the attached agreement between the Corporation of the Municipality of Powassan and Evan Hughes Excavating-2170641 Ontario Ltd.
3. That this agreement become in force upon its execution.

**READ** a **FIRST** and **SECOND** time, and considered **READ** a **THIRD** and **FINAL** time, and adopted as such in open Council this the 2<sup>nd</sup> day of February 2021.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
CAO/Clerk-Treasurer

## License Extraction/Lease Agreement

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The following terms of agreement shall be in affect as of September 1, 2020, and shall expire September 1, 2025.

**Between:** The Corporation of the Municipality of Powassan, a corporation organized and existing under the laws of Ontario, and with it's head office located at:  
250 Clark Street, P.O. Box 250, P0H 1Z0, Powassan Ontario

(hereinafter the "Municipality of Powassan")

**And:** Evan Hughes Excavating – 2170641 Ontario Limited, a business organized and existing under the laws of Ontario, and with it's head office located at:  
118 Highway 534 Powassan, Ontario, P0H 1Z0

(hereinafter "Evan Hughes Excavating")

WHEREAS, this agreement shall constitute a continuation of the agreement between Evan Hughes Excavating and the Municipality of Powassan, regarding the license extraction/lease agreement entered into on September 1, 2015 (see Appendix A).

WHEREAS, the Municipality of Powassan, the registered owner of Lots 24 and 25, Concession 7 in the geographical township of South Himsworth, in the Municipality of Powassan, District of Parry Sound; agrees to lease the above noted property to Evan Hughes Excavating to operate a pit for a period of five (5) years.

WHEREAS, the Municipality of Powassan agrees to have aggregate License transferred to Evan Hughes Excavating.

WHEREAS, Evan Hughes Excavating agrees to pay all cost related to License transfer and to submit the annual Compliance Assessment Report to the MNR (Ministry of Natural Resources).

WHEREAS, Evan Hughes Excavating agrees to pay all royalties incurred through aggregate sales from this site.

WHEREAS, the Municipality of Powassan will be allowed to continue the importation, storage, crushing/mixing, and exportation of recycled asphalt and concrete in conformance with the conditions of the site plan.

WHEREAS, Evan Hughes Excavating agrees to pay the Municipality of Powassan \$0.75 per cubic yard on all extracted pit materials from the above noted pit.

# License Extraction/Lease Agreement

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WHEREAS, Evan Hughes Excavating shall provide the Municipality of Powassan with valid proof of insurance annually, prior to the commencement of material extraction.

NOW, THEREFOR, in consideration of the mutual covenants and agreements herein contained, the parties hereto, intend to be legally bound.

# License Extraction/Lease Agreement

In witness whereof: each party understands the terms of agreement, are over the age of eighteen (18), are of sound mental capacity, have the authority to bind their corporation or company to such an agreement, and accept the above stated terms of agreement; shall hereby enter into this legally binding agreement.

Signed in the presence of:

Lesley Marshall  
Witness Signature

Lesley Marshall  
Witness Name (Print)

Deputy Clerk  
Witness Title (Print)

Feb 4/21  
Date

Evan Hughes Excavation

Evan Hughes  
Signature

Evan Hughes  
Name (Print)

\_\_\_\_\_  
Title (Print)

Feb 4/21  
Date

Signed in the presence of:

Maureen Lang  
Witness Signature

Maureen Lang  
Witness Name (Print)

CAO/Clerk-Treasurer  
Witness Title (Print)

Feb 4/2021  
Date

The Corporation of the Municipality of Powassan

Peter McIsaac  
Signature

Peter McIsaac  
Name (Print)

Mayor  
Title (Print)

Feb 4/21  
Date