

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5340-21

A by-law to authorize an Application for Approval to Expropriate Land being Part of the Common Elements of Niagara North Vacant Land Condominium Plan No. 302 Being Part of PINs 46502-0001(LT) -0038(LT) Inclusive Parts 1 and 2 Reference Plan 30R- 15739, Town of Niagara-on-the-Lake, Regional Municipality of Niagara

WHEREAS The Corporation of The Town of Niagara-on-the-Lake (the "Town") requires lands described in Schedule "A" hereto for municipal purposes and to permit the construction, maintenance and use of a sanitary sewer with all necessary appurtenances including equipment, pipes and related infrastructure. and works ancillary thereto;

AND WHEREAS, Section 6 of the Municipal Act, 2001, S.O. 2001, c.25, as amended confers on the Town the power to expropriate land;

AND WHEREAS, Section 11 of the Municipal Act, 2001 confers on the Town jurisdiction in respect of public utilities;

AND WHEREAS, the Council of the Town has authorized the commencement of procedures to expropriate land;

NOW THEREFORE, the Council of the Town enacts as follows:

1. That Application for Approval to Expropriate Land in the form attached hereto as Schedule "A" under Section 4 of the Expropriations Act, R.S.O. 1990, c. E.26, as amended, be made to the Council of the Town in respect of the parcels of land as described in Schedule "A" to this by-law and that it be executed on behalf of the Town by the Acting Town Clerk;
2. That a Notice of Application for Approval to Expropriate Land in the form attached hereto as Schedule "B" be executed on behalf of the Town by the Acting Town Clerk and that the Notice be served upon the registered owner of the parcel of land to which it relates and be published once a week for three consecutive weeks in a newspaper having general circulation in the Town of Niagara-on-the-Lake, in accordance with Section 6 of the Expropriations Act.
3. That the purpose of the expropriation of the lands described in Schedule "A" is for municipal purposes and to permit the construction, maintenance and use of a sanitary sewer with all necessary appurtenances including equipment, pipes and related infrastructure and works ancillary thereto;
4. That, provided there is no inquiry (Hearing of Necessity) requested in accordance with the Expropriations Act, the expropriation of the land described in Schedule "A" to this by-law is approved and the following steps are authorized be taken with respect to the expropriation:
 - i) That the Acting Town Clerk is hereby authorized and directed to sign and execute on behalf of the Council of the Town a Certificate of Approval

and to execute all other notices and documents which are necessary to carry out the provisions of this by-law;

- ii) That a plan of expropriation be prepared and registered in the proper land registry office; and
- iii) That a Notice of Expropriation be served upon the registered owner, made pursuant to section 25 of the Expropriations Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 26TH DAY OF JULY, 2021.

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT

Schedule "A"
To By-law No. 5340-21

FORM 1

Expropriations Act, R.S.O. 1990, c. E.26
APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

To: The Council for the Corporation of the Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
Virgil, ON L0S 1T0

IN THE MATTER OF the proposed expropriation of land by **The Corporation of the Town of Niagara-on-the-Lake**

Being:

Part of the Common Elements of Niagara North Vacant Land Condominium Plan No. 302 Being Part of PINs 46502-0001 (LT) to 46502 – 0038 (LT) inclusive Parts 1 and 2 Reference Plan 30R- 15739 Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

For municipal purposes and to permit the construction, maintenance and use of a sanitary sewer with all necessary appurtenances including equipment, pipes and related infrastructure;

APPLICATION IS HEREBY MADE for approval to expropriate the land described as follows:

Fee Simple

All right, title and interest (fee simple) for municipal purposes and to permit the construction, maintenance and use of a sanitary sewer with all necessary appurtenances including equipment, pipes and related infrastructure.

Dated at the Town of Niagara-on-the-Lake this 26th day of July, 2021.

The Corporation of the Town of Niagara-on-the-Lake

Colleen Hutt
Acting Town Clerk

Schedule "B"

To By-law No. 5340-21

FORM 2

Expropriations Act, R.S.O. 1990, c. E.26
NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

IN THE MATTER OF an application by The Corporation of the Town of Niagara-on-the-Lake for approval to expropriate all right, title and interest (fee simple) for municipal purposes and to permit the construction, maintenance and use of a sanitary sewer with all necessary appurtenances including equipment, pipes and related infrastructure.

NOTICE IS HEREBY GIVEN that application has been made for the approval to expropriate all right, title and interest (fee simple) for municipal purposes and to permit the construction, maintenance and use of a sanitary sewer with all necessary appurtenances including equipment, pipes and related infrastructure, in the lands described as:

Part of the Common Elements of Niagara North Vacant Land Condominium Plan No. 302 Being Part of PINs 46502-0001 (LT) to 46502 – 0038 (LT) inclusive Parts 1 and 2 Reference Plan 30R- 15739 Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- (a) in the case of a registered owner, served personally or by registered mail, within thirty (30) days after the registered owner is served with the notice, or, when the registered owner is served by publication, within (30) days after the first publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty (30) days after the first publication of the notice.

The approving authority is:

The Council of The Corporation of the Town of Niagara-on-the-Lake
1593 Four Mile Creek Road,
Virgil, ON L0S 1T0

The expropriating authority is:

The Corporation of the Town of Niagara-on-the-Lake
1593 Four Mile Creek Road,
Virgil, ON L0S 1T0

Phone: 905 468-3266
Fax: 905 468-2959
Email: Acting Town Clerk Colleen Hutt colleen.hutt@notl.com