

MCTAGUE
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BARRISTERS & SOLICITORS

REPORT TO COUNCIL:

TO: COUNCIL – TOWN OF KINGSVILLE
FROM: DAVID M. SUNDIN
DATE: JUNE 22, 2020 MEETING
FILE: 77366
RE: EXPROPRIATION
MAIN STREET WEST AT ITS INTERSECTION WITH
HERITAGE ROAD
ROAD WIDENING – FUTURE URBAN GROWTH

Overview

On March 9, 2020, Council for the Corporation of the Town of Kingsville (the "**Town**") authorized the commencement of an Application for Approval to Expropriate (the "**Application**") the following lands:

1. The parts of part Lot 4, Concession 1, Western Division Gosfield (Kingsville) designated as Parts 1 to 4 on Reference Plan 12R-12464, subject to and together with rights in R1233299, subject to R1233300, now specifically designated as Parts 1 to 3 on Reference Plan 12R-28204;
2. The part of part Lot 4, Concession 1, Western Division Gosfield (Kingsville) as in R290386, now specifically designated as Part 4 on Reference Plan 12R-28204;
3. The part of part Lots 3 and 4, Concession 1, Western Division Gosfield (Kingsville) designated as Part 1 on Reference Plan 12R-25755, now specifically designated as Part 5 on Reference Plan 12R-28204; and
4. The part of part Lot 3, Concession 1, Western Division (Kingsville) designated as Part 2 on Reference Plan 12R-25755, now specifically designated as Part 6 on Reference Plan 12R-28204;

all in the Town of Kingsville, in the County of Essex.

The Application was issued on April 22, 2020 and served on the owners of the affected lands on April 23, 2020. The Application was also published in the Kingsville Reporter on April 28, 2020 and May 5, 2020, and in the Windsor Star on May 12, 2020.

Status as of June 12, 2020

Since April 22, 2020, none of the owners of the affected lands have contacted the Town directly or my office to discuss the taking of their lands or compensation for same. The deadline for the owners of the lands outlined above to file a request for a Hearing of Necessity was May 29, 2020. Unless a Hearing of Necessity is requested Council for the Town, as the Approval Authority, can make a decision as to whether or not to approve the Application for Approval to Expropriate.

Council's Role as Approval Authority

The Council, as Approval Authority must consider the information received from administration to determine if the expropriation of the lands outlined above is fair, sound, and reasonably necessary for the Town to achieve its objectives for the purpose of accommodating new underground infrastructure and a necessary road widening as part of the Main Street West reconstruction project, at or near its intersection with Heritage Road, to support planned development and future growth within urban Kingsville.