

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 61-2020

A By-law to expropriate certain lands in the Town of Kingsville along the south side of Main Street West at or near its intersection with Heritage Road.

WHEREAS the Expropriations Act, R.S.O. 1990, c. E.26, as amended authorizes municipalities to expropriate land for municipal purposes;

AND WHEREAS the Corporation of the Town of Kingsville requires certain lands along the south side of Main Street West at or near its intersection with Heritage Road to accommodate new underground infrastructure and a necessary road widening to support planned development and future growth within urban Kingsville;

AND WHEREAS the Corporation of the Town of Kingsville authorized the commencement of an Application for Approval to Expropriate certain lands to allow for the construction to accommodate the new underground infrastructure and road widening on Main Street South at or near its intersection with Heritage Road, in the Town of Kingsville, in the County of Essex;

AND WHEREAS the Corporation of the Town of Kingsville made an Application for Approval to Expropriate Land, dated April 22, 2020, in which Application approval was sought to expropriate the lands designated as Parts 1, 2, 3, 4, 5, and 6 on Reference Plan 12R-28204, all in the Town of Kingsville, in the County of Essex;

AND WHEREAS to date the Corporation of the Town of Kingsville has not been successful in negotiating a purchase of the land designated as Parts 1, 2, 3, 4, 5, and 6 on Plan 12R-28204;

AND WHEREAS the owners of the lands designated as Parts 1, 2, 3, 4, 5, and 6 on Plan 12R-28204 have not requested the appointment of an Inquiry Officer by the Attorney General to hold a Hearing of Necessity under the Expropriations Act, R.S.O. 1990, Chapter E. 26 as amended for the affected lands.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That approval is hereby granted for the expropriation by the Corporation of the Town of Kingsville of the lands described on Schedule "A" attached to this By-law, for municipal purposes in connection with accommodating new underground infrastructure and a necessary road widening on Main Street West at or near its intersection with Heritage Road, to support planned development and future growth within urban Kingsville.
2. That the Mayor and the Clerk of the Corporation of the Town of Kingsville are hereby authorized to execute the Certificate of Approval and the Expropriation Certificate.
3. That the Clerk is hereby authorized to cause the Expropriation Plan to be registered in the Land Titles/Land Registry Office for the County of Essex and thereby effect the expropriation of the said lands.
4. That the Corporation of the Town of Kingsville is hereby authorized to enter and take possession of the expropriated lands on the day permitted under the Expropriations Act, as amended, or pursuant to any Court Order thereunder, or pursuant to any agreement entered

into between the relevant owners and the Corporation of the Town of Kingsville.

5. That the Clerk is hereby authorized to deliver Notices of Possession, Notices of Expropriation, Notices of Election and Offers and Appraisal Reports in accordance with s.25 of the Expropriations Act, as amended and to do all other things and give all other notices required by the Expropriations Act, as amended.
6. This By-law shall come into force and take effect on the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF JUNE, 2020.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Clerk's Certificate

I, Jennifer Astrologo, Clerk of the Corporation of the Town of Kingsville, do hereby certify that the foregoing is a true and correct copy of **By-law Number 61-2020** passed by the Council of the said Corporation on the **22nd**, day of **June, 2020**.

Jennifer Astrologo, Clerk
Corporation of the Town of Kingsville

SCHEDULE "A"

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.