

The Corporation of the City of Kawartha Lakes

By-Law 2018-____

A By-law to Authorize An Application for Approval to Expropriate Land

Recitals

1. The Corporation of the City of Kawartha Lakes requires a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property municipally referenced as 51 Needham Street, Lindsay and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes, for the purposes of facilitating the construction of a new pumping station to replace or upgrade the existing Colborne Street Pumping Station, including the construction of a new forcemain along St. David Street, and any works ancillary thereto ("Project");
2. The Corporation of the City of Kawartha Lakes has been unable to purchase the lands required and therefore must expropriate the said lands;
3. The making of the application to expropriate the required land was approved by City Council on July 17, 2018 by Council Resolution arising out of Report RS2018-020;
4. Pursuant to Section 6(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (hereinafter referred to as the "*Municipal Act, 2001*"), the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (hereinafter referred to as the "*Expropriations Act*");
5. Pursuant to Section 5(3) of the *Municipal Act, 2001*, a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;
6. Pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, the Corporation of the City of Kawartha Lakes, shall not expropriate land without the approval of the approving authority, in this case, the Council of the Corporation of the City of Kawartha Lakes;
7. Ontario Regulation 363, R.R.O., 1990 to the *Expropriations Act*, as amended, directs that an Application for Approval to Expropriate Land shall be in "Form 1", appended hereto as Schedule "A" and a Notice of Application for Approval to Expropriate Land shall be in "Form 2", appended hereto as Schedule "B";
8. The Corporation of the City of Kawartha Lakes shall conduct the expropriation in accordance with the *Expropriations Act*.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City;

“Realty Services Manager, or City Solicitor” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Expropriation of Land

- 2.01 The Council of the Corporation of the City of Kawartha Lakes hereby authorizes the making of an application for approval to expropriate land by the Corporation of the City of Kawartha Lakes, in the form attached hereto as Schedule “A”, in respect of the portion of the property municipally referenced as 51 Needham Street, Lindsay, that has been identified as being necessary for the purposes of the Project.
- 2.02 The City Solicitor is hereby authorized to execute, on behalf of the Corporation of the City of Kawartha Lakes, the Application for Approval to Expropriate Land in Form 1 attached as Schedule “A”.
- 2.03 The City Solicitor is hereby authorized to execute on behalf of the Corporation of the City of Kawartha Lakes, the Notice of Application for Approval to Expropriate Land in the form attached hereto as Schedule “B”. It will be served and published in accordance with the *Expropriations Act*.
- 2.04 In the event an owner or registered owner requests a hearing of necessity, and a report of the inquiry officer is issued, the report of the inquiry officer shall come before Council of the Corporation of the City of Kawartha Lakes for consideration.
- 2.05 The Officers and authorized agents of the Corporation of the City of Kawartha Lakes are hereby authorized and directed to do all things required arising from the authorizations provided for by this By-law.

- 2.06 Council hereby receives the City's Application for Approval to Expropriate Land, appended hereto as Schedule "A".

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of the by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this ____ day of July, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

**SCHEDULE "A" TO CITY OF KAWARTHA LAKES
BY-LAW NUMBER 2018-_____
PASSED THIS 17TH DAY OF JULY, 2018**

FORM 1

APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

Expropriations Act

To:

The Council of the Corporation of the City of Kawartha Lakes

26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8

IN THE MATTER OF the proposed expropriation of a portion of land by the Corporation of the City of Kawartha Lakes from the property municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes, for the purpose of Colborne St. sewage pumping station upgrade.

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

A fee simple interest in a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property (running along St. David Street) municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes.

Dated at Lindsay, this _____ day of July, 2018.

The Corporation of the City of Kawartha Lakes
Robyn Carlson, City Solicitor

**SCHEDULE "B" TO CITY OF KAWARTHA LAKES
BY-LAW NUMBER 2018-_____
PASSED THIS 17TH DAY OF JULY, 2018**

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

Expropriations Act

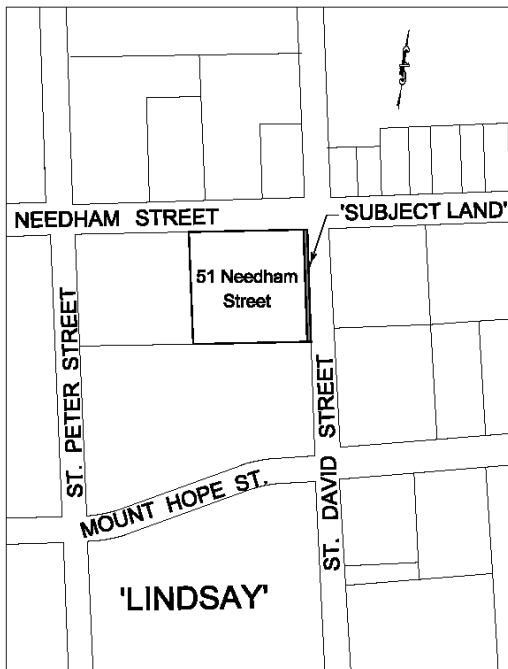
IN THE MATTER OF an application by

the Corporation of the City of Kawartha Lakes

For approval to expropriate a fee simple interest in those lands marked on the key map below, more particularly being a three (3) meter strip of land, comprising approximately 2741 square feet, from the easternmost part of the property (running along St. David Street) municipally known as 51 Needham Street, Lindsay, and legally described as PIN 63212-0004 (LT), being Pt Lt 12-14, Plan 377, Part 1 on 57R-1536; in the Geographic Township of Lindsay, City of Kawartha Lakes, for the purpose of facilitating the construction of a new pumping station to replace or upgrade the existing Colbourn Street Pumping Station, including the construction of a new forcemain along St. David Street, and any works ancillary thereto

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land or interests in land more particularly described above.

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 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 notice, or, when the registered owner is served by publication, within thirty (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 City of Kawartha Lakes
26 Francis Street, P.O. Box 9000,
Lindsay, ON K9V 5R8

The expropriating authority is:

The Corporation of the City of Kawartha Lakes
c/o Robyn Carlson
26 Francis Street, P.O. Box 9000, Lindsay, ON K9V 5R8
Phone: 705-324-9411 ext. 1298 Fax: 705-324-2982

This notice first published on the _____ day of _____ 2018.

The Corporation of the City of Kawartha Lakes
Robyn Carlson, City Solicitor