

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **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, running along Lindsay Street, Fenelon Falls, from each of the subject properties in order to widen the road known as County Road 121. The subject properties abutting County Road 121 are:

<b>Geographic Township</b>	<b>Property PIN</b>	<b>Legal Description</b>	<b>Municipally Known as</b>
Fenelon	63150-0155 (LT)	Lot 99 on Plan 25; City of Kawartha Lakes	33 Lindsay Street
Fenelon	63150-0154 (LT)	Lot 98 on Plan 25; City of Kawartha Lakes	41 Lindsay Street
Fenelon	63150-0153 (LT)	Part Lot 97 on Plan 25 as in R222795; City of Kawartha Lakes	45 Lindsay Street
Fenelon	63150-0152 (LT)	Part Lot 97 on Plan 25 as in R429652; City of Kawartha Lakes	49 Lindsay Street
Fenelon	63150-0151 (LT)	Part Lot 96 on Plan 25 as in R183217; City of Kawartha Lakes	53 Lindsay Street
Fenelon	63150-0150 (LT)	Part Lot 96 on Plan 25 as in R268262; City of Kawartha Lakes	57 Lindsay Street

Fenelon	63150-0149 (LT)	Lot 95 on Plan 25 and Part Lot 112 on Plan 25 as in R291496; City of Kawartha Lakes	65 Lindsay Street
Fenelon	63150-0146 (LT)	Part Lot 94 on Plan 25 as in R412467; City of Kawartha Lakes	73 Lindsay Street
Fenelon	63150-0140 (LT)	North Half of Lot 93 on Plan 25; City of Kawartha Lakes	77 Lindsay Street
Fenelon	63150-0139 (LT)	South Half of Lot 93 on Plan 25; City of Kawartha Lakes	81 Lindsay Street
Fenelon	63150-0138 (LT)	North Half of Lot 92 on Plan 25; City of Kawartha Lakes	85 Lindsay Street
Fenelon	63150-0137 (LT)	Part Lot 92 on Plan 25 as in A38320; City of Kawartha Lakes	89 Lindsay Street
Fenelon	63150-0136 (LT)	Part Lot 92 on Plan 25 as in R413696; City of Kawartha Lakes	91 Lindsay Street
Fenelon	63150-0135 (LT)	North Half of Lot 91 on Plan 25; City of Kawartha Lakes	95 Lindsay Street
Fenelon	63150-0134 (LT)	South Half of Lot 91 on Plan 25; City of Kawartha Lakes	99 Lindsay Street
Fenelon	63150-0247 (LT)	Part Lot 88-90, 117-118, Plan 25, Part 1 on	105 Lindsay Street

		57R9570; City of Kawartha Lakes	
Fenelon	63150-0125 (LT)	Part Lot 88-89, 119, on Plan 25 as in R410929; City of Kawartha Lakes	109 Lindsay Street
Fenelon	63150-0124 (LT)	Lot 87 on Plan 25; Part Forest Street Plan 100 also known as Forrest Street closed by VFF727 and R121753; Part Lot 119-120, Plan 25, Parts 1, 2 & 3 on Plan 57R7177; City of Kawartha Lakes	117 Lindsay Street
Fenelon	63150-0123 (LT)	Part Forest Street Plan 100 also known as Forrest Street closed by VFF727; Part Lot 86, Plan 25, Parts 1-5 on Plan 57R624; subject to an easement in gross over Part Lot 86 on Plan 25, Part 1 on Plan 57R10051 as in KL61489; City of Kawartha Lakes	125 Lindsay Street
Fenelon	63150-0122 (LT)	Part Lot 85 on Plan 25 as in R468883; City of Kawartha Lakes	129 Lindsay Street
Fenelon	63150-0121 (LT)	South Half of Lot 85 on Plan 25; Kawartha Lakes	133 Lindsay Street

Fenelon	63150-0120 (LT)	Part Lot 84 on Plan 25 as in R396242; Kawartha Lakes	139 Lindsay Street
Fenelon	63150-0119 (LT)	Lot 83 on Plan 25; Part Lot 84 on Plan 25 as in R368772; City of Kawartha Lakes	143 Lindsay Street
Fenelon	63150-0118 (LT)	Lot 81-82 on Plan 25; City of Kawartha Lakes	157 Lindsay Street

2. If the Corporation of the City of Kawartha Lakes is unable to negotiate purchase the lands it will be required to expropriate the said lands;
3. The making of the application to expropriate the required land was approved by City Council on September 24, 2019 by Council Resolution arising out of Report RS2019-022;
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 2019- .

## **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 land running along Lindsay Street, Fenelon Falls, that has been identified as being necessary for the purposes of the Project.

**2.02** The Manager of Realty Services 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”.

The Manager of Realty Services 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.

- 2.03 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.
- 2.04 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.
- 2.05 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 ●, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

**Schedule "A" To City Of Kawartha Lakes  
By-Law Number 2019-  
Passed This \_\_\_\_ Day Of ●, 2019**

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 three (3) meter strip of land, running along Lindsay Street, Fenelon Falls, from each of the subject properties in order to widen the road known as County Road 121. The subject properties abutting County Road 121 are:

<b>Geographic Township</b>	<b>Property PIN</b>	<b>Legal Description</b>	<b>Municipally Known as</b>
Fenelon	63150-0155 (LT)	Lot 99 on Plan 25; City of Kawartha Lakes	33 Lindsay Street
Fenelon	63150-0154 (LT)	Lot 98 on Plan 25; City of Kawartha Lakes	41 Lindsay Street
Fenelon	63150-0153 (LT)	Part Lot 97 on Plan 25 as in R222795; City of Kawartha Lakes	45 Lindsay Street
Fenelon	63150-0152 (LT)	Part Lot 97 on Plan 25 as in R429652; City of Kawartha Lakes	49 Lindsay Street
Fenelon	63150-0151 (LT)	Part Lot 96 on Plan 25 as in R183217; City of Kawartha Lakes	53 Lindsay Street

Fenelon	63150-0150 (LT)	Part Lot 96 on Plan 25 as in R268262; City of Kawartha Lakes	57 Lindsay Street
Fenelon	63150-0149 (LT)	Lot 95 on Plan 25 and Part Lot 112 on Plan 25 as in R291496; City of Kawartha Lakes	65 Lindsay Street
Fenelon	63150-0146 (LT)	Part Lot 94 on Plan 25 as in R412467; City of Kawartha Lakes	73 Lindsay Street
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Fenelon	63150-0136 (LT)	Part Lot 92 on Plan 25 as in R413696; City of Kawartha Lakes	91 Lindsay Street
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Fenelon	63150-0134 (LT)	South Half of Lot 91 on Plan 25; City	99 Lindsay Street



		of Kawartha Lakes	
Fenelon	63150-0247 (LT)	Part Lot 88-90, 117-118, Plan 25, Part 1 on 57R9570; City of Kawartha Lakes	105 Lindsay Street
Fenelon	63150-0125 (LT)	Part Lot 88-89, 119, on Plan 25 as in R410929; City of Kawartha Lakes	109 Lindsay Street
Fenelon	63150-0124 (LT)	Lot 87 on Plan 25; Part Forest Street Plan 100 also known as Forrest Street closed by VFF727 and R121753; Part Lot 119-120, Plan 25, Parts 1, 2 & 3 on Plan 57R7177; City of Kawartha Lakes	117 Lindsay Street
Fenelon	63150-0123 (LT)	Part Forest Street Plan 100 also known as Forrest Street closed by VFF727; Part Lot 86, Plan 25, Parts 1-5 on Plan 57R624; subject to an easement in gross over Part Lot 86 on Plan 25, Part 1 on Plan 57R10051 as in KL61489; City of Kawartha Lakes	125 Lindsay Street
Fenelon	63150-0122 (LT)	Part Lot 85 on Plan 25 as in R468883; City of Kawartha Lakes	129 Lindsay Street

Fenelon	63150-0121 (LT)	South Half of Lot 85 on Plan 25; Kawartha Lakes	133 Lindsay Street
Fenelon	63150-0120 (LT)	Part Lot 84 on Plan 25 as in R396242; Kawartha Lakes	139 Lindsay Street
Fenelon	63150-0119 (LT)	Lot 83 on Plan 25; Part Lot 84 on Plan 25 as in R368772; City of Kawartha Lakes	143 Lindsay Street
Fenelon	63150-0118 (LT)	Lot 81-82 on Plan 25; City of Kawartha Lakes	157 Lindsay Street

Application Is Hereby Made for approval to expropriate the lands as described above.

Dated at Lindsay, this \_\_\_\_\_ day of ●, 2019.

The Corporation of the City of Kawartha Lakes

\_\_\_\_\_  
Sharri Dyer, Manager, Realty Services

**Schedule "B" to City of Kawartha Lakes**  
**By-Law Number 2019-**  
**Passed This \_\_\_\_ Day of \_\_\_\_\_, 2019**

**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, running along the eastern part of County Road 121 (Lindsay Street), in the Geographic Township of Fenelon Falls, City of Kawartha Lakes, for the purpose of widening the road known as County Road 121 (Lindsay Street), Fenelon Falls, being the lands more specifically described as:

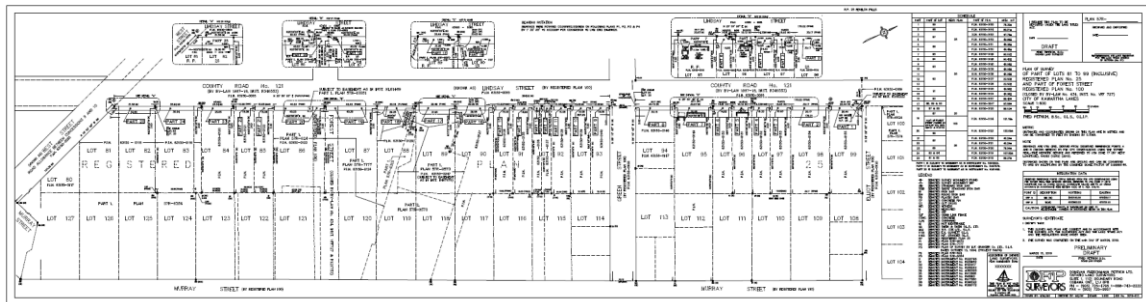
<b>Geographic Township</b>	<b>Property PIN</b>	<b>Legal Description</b>	<b>Municipally Known as</b>
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Fenelon	63150-0118 (LT)	Lot 81-82 on Plan 25; City of Kawartha Lakes	157 Lindsay Street

Notice Is Hereby Given that application has been made for approval to expropriate the lands 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,

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;

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 \_\_\_\_\_ 2019.

The Corporation of the City of Kawartha Lakes  
Sharri Dyer, Manager, Realty Services