

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 089-2019

BEING A BY-LAW TO AUTHORIZE AN APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

WHEREAS Section 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to expropriate land;

AND WHEREAS the Corporation of the Town of Milton requires the lands described in Schedule "A" attached hereto for the municipal purpose of the reconstruction and widening of Main Street East from James Snow Parkway to Fifth Line and the reconstruction and widening of Fifth Line from Highway 401 to Main Street East;

AND WHEREAS Section 4 of the *Expropriations Act* requires that the expropriating authority obtain approval from the approving authority before expropriating land, which in this case is the Council of the Town of Milton;

NOW THEREFORE the Council of the Town of Milton hereby enacts as follows:

1. **THAT** an Application for Approval to Expropriate Land attached hereto as Schedule "B" be made to the Council of the Town of Milton in respect of the lands described in Schedule "A" of this By-law;
2. **THAT** a Notice of Application for Approval to Expropriate land in a form similar to that attached hereto as Schedule "C" be executed on behalf of the Corporation of the Town of Milton by the Chief Administrative Officer or Town Solicitor and be served and published in accordance with the *Expropriations Act*;
3. **THAT** the Officers and the authorized agents of the Corporation of the Town of Milton be authorized and directed to do all things required arising from the authorization provide for by this By-law; and
4. **THAT** this By-law comes into force on the day it is passed.

PASSED IN OPEN COUNCIL ON SEPTEMBER 16, 2019.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE "A" TO BY-LAW NO. 089-2019

PIN 25075-0007 (LT)

PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754;
MILTON/TRAFALGAR

SCHEDULE “B” TO BY-LAW NO. 089-2019

APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

To: Approving Authority

The Council of the Town of Milton

150 Mary Street
Milton, Ontario
L9T 6Z5

IN THE MATTER OF the proposed expropriation of land by:

The Corporation of the Town of Milton

(Expropriating Authority)

being lands with the legal description of PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT) for the purpose of the reconstruction and widening of Main Street East from James Snow Parkway to Fifth Line and the reconstruction and widening of Fifth Line from Highway 401 to Main Street East in the Town of Milton.

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

- fee simple interests comprising approximately 1746 square meters (Part 4 of Draft Reference Plan 13M-00239-300) and 284 square meters (Part 6 on Draft Reference Plan O.L.S. File #19-14-1) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT);
- a permanent easement interest comprising approximately 457 square meters (Part 3 of Draft Reference Plan 13M-00239-300) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT); and
- a temporary easement interest comprising approximately 349 square meters (Part 5 on Draft Reference Plan O.L.S. File# 19-14-1) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT).

Dated at the Town of Milton this ____ day of _____, 2019.

The Corporation of the Town of Milton

Acting CAO

SCHEDULE “C” TO BY-LAW NO. 089-2019

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND *Expropriations Act*

IN THE MATTER OF an application by The Corporation of the Town of Milton for approval to expropriate:

- fee simple interests comprising approximately 1746 square meters (Part 4 of Draft Reference Plan 13M-00239-300) and 284 square meters (Part 6 on Draft Reference Plan O.L.S. File #19-14-1) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT);
- a permanent easement interest comprising approximately 457 square meters (Part 3 of Draft Reference Plan 13M-00239-300) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT); and
- a temporary easement interest comprising approximately 349 square meters (Part 5 on Draft Reference Plan O.L.S. File# 19-14-1) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT)

for the purposes of the reconstruction and widening of Main Street East from James Snow Parkway to Fifth Line and the reconstruction and widening of Fifth Line from Highway 401 to Main Street East in the Town of Milton.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land described as:

- fee simple interests comprising approximately 1746 square meters (Part 4 of Draft Reference Plan 13M-00239-300) and 284 square meters (Part 6 on Draft Reference Plan O.L.S. File #19-14-1) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT);
- a permanent easement interest comprising approximately 457 square meters (Part 3 of Draft Reference Plan 13M-00239-300) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT); and

- a temporary easement interest comprising approximately 349 square meters (Part 5 on Draft Reference Plan O.L.S. File# 19-14-1) from the property municipally known as 7520 Fifth Line, Milton and legally described as PT LT 14, CON 5 TRAFALGAR NEW SURVEY, AS IN 726754; MILTON/TRAFALGAR bearing PIN 25075-0007 (LT).

for the purposes of the reconstruction and widening of Main Street East from James Snow Parkway to Fifth Line and the reconstruction and widening of Fifth Line from Highway 401 to Main Street East in the Town of Milton.

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking 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 the registered owner, served personally or by registered mail within thirty days after the owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

Council of the Town of Milton

150 Mary Street
Milton, Ontario
L9T 6Z5

The expropriating authority is:

The Corporation of the Town of Milton

150 Mary Street
Milton, Ontario
L9T 6Z5

The Corporation of the Town of Milton

Acting CAO