

**THE CORPORATION OF THE TOWN OF MILTON**

**BY-LAW NO. 008-2022**

BEING A BY-LAW TO AUTHORIZE 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 Fifth Line from Main Street East to south of Derry Road;

**AND WHEREAS** on October 25, 2021 in accordance with the provisions of the *Expropriations Act*, RSO 1990, c. E.26, Town Council as approving authority, approved By-Law No. 032-2021 authorizing an application for approval to expropriate the lands described Schedule "A";

**AND WHEREAS** notice of the application for approval to expropriate has been published and has been served on the registered owners of the said lands and interests in land, all in accordance with the *Expropriations Act*;

**AND WHEREAS** no owner of the lands described in Schedule "A" has provided notice in writing of a desire for a hearing with respect to the proposed expropriations and the time for giving such notice has expired;

**AND WHEREAS** Town Council at the same meeting of the Council which is enacting this by-law, has approved the applications to expropriate the lands described in Schedule "A";

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

1. That the expropriation of the above mentioned lands, as described in Schedule "A" to this by-law, is hereby approved;
2. That an Expropriation Plan be prepared and registered in the proper land registry office;
3. That the Town Clerk is hereby authorized and directed to sign and execute on behalf of Town Council and affix the corporate seal to the Certificate of Approval and the Expropriation Certificate set out on the Expropriation Plan and all other notices and documents which are necessary to carry out the provisions of this by-law;
4. That a Notice of Expropriation be served upon the registered owners, together with a Notice of Election form as to the date of assessment of compensation and a

Notice of Possession requiring possession of the lands at least three months after the date of service;

5. That an appraisal report of the market value of the expropriated lands and, if applicable, damages for injurious affection, be obtained;
6. That an offer of full compensation and an offer for immediate payment of 100% of the market value of the expropriated lands as estimated by the expropriating authority, all in accordance with section 25 of the Expropriations Act, be served, together with a copy of the appraisal report;
7. That the compensation be paid to owners following the acceptance of the offer made pursuant to section 25 of the Expropriations Act;
8. That all necessary steps be taken to obtain possession of the lands.
9. That this By-law comes into force on the day it is passed.

**PASSED IN OPEN COUNCIL ON FEBRUARY 7, 2022.**

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Gordon A. Krantz

Mayor

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Meaghen Reid

Town Clerk

## **SCHEDULE “A” TO BY-LAW NO. 008-2022**

A fee simple interest in those lands in the Town of Milton described as follows:

- over Parts 2 and 7 of Reference Plan 20R-21828, from the property known municipally as 7086 Fifth Line Milton and legally described as Pt Lt 11, Con 5 Traf NS, Pt 1, 20R5501 S&E Pts 1 & 2, 20R14519 & Pt 1, 20R16615; Milton T/W 657958, bearing PIN 25075-0056

A permanent easement interest described as follows:

- over Parts 1, 5 and 6 of Reference Plan 20R-21828, from the property known municipally as 7086 Fifth Line Milton and legally described as Pt Lt 11, Con 5 Traf NS, Pt 1, 20R5501 S&E Pts 1 & 2, 20R14519 & Pt 1, 20R16615; Milton T/W 657958, bearing PIN 25075-0056.

A temporary easement interest for a period of three (3) years in those lands in the Town of Milton described as follows:

- over Parts 3 and 4 of Reference Plan 20R-21828, from the property known municipally as 7086 Fifth Line Milton and legally described as Pt Lt 11, Con 5 Traf NS, Pt 1, 20R5501 S&E Pts 1 & 2, 20R14519 & Pt 1, 20R16615; Milton T/W 657958, bearing PIN 25075-0056.