

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 063-2022

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 May 3, 2021, in accordance with the provisions of the *Expropriations Act*, RSO 1990, c. E.26, Town Council as approving authority, approved By-Law No. 031-2021 authorizing an application for approval to expropriate the lands described in 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AND WHEREAS the owner of the lands described in Schedule "A" has withdrawn their request on May 25, 2022 for a hearing of necessity with respect to the proposed scheduled for June 1, 2022;

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 lands 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, pursuant to section 9 of the *Expropriations Act*;
3. 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 the serving of the Notice of Possession;
4. That an appraisal report of the market value of the expropriated lands and, if applicable, damages for injurious affection, be obtained;

5. 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;
6. That the compensation be paid to owners following the acceptance of the offer made pursuant to section 25 of the Expropriations Act;
7. That all necessary steps be taken to obtain possession of the lands; and
8. That this By-law comes into force on the day it is passed.

PASSED IN OPEN COUNCIL ON JUNE 20, 2022.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

SCHEDULE “A” TO BY-LAW NO. 063-2022

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

- Part 7 of Reference Plan 20R-21826, attached hereto as “Attachment 1”, from the property municipally known as 6765 Fifth Line, Milton and legally described as PT LT 10, CON 6 TRAFALGAR NEW SURVEY MILTON/TRAFALGAR; PART OF PIN 24937-0001 (LT); and

A permanent easement interest in those lands in the Town of Milton described in the attached Reference Plan as follows:

- Part 8 of Reference Plan 20R-21826, attached hereto as “Attachment 1”, from the property municipally known as 6765 Fifth Line, Milton and legally described as PT LT 10, CON 6 TRAFALGAR NEW SURVEY, MILTON/TRAFALGAR; PART OF PIN 24937-0001 (LT).