

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO AUTHORIZE AN APPLICATION FOR
APPROVAL TO EXPROPRIATE ALL RIGHT, TITLE
AND INTEREST (FEE SIMPLE) IN LANDS REQUIRED
FOR MUNICIPAL PURPOSES

WHEREAS The Regional Municipality of Niagara requires the lands described as:

Those fee simple lands legally described as:

Part of Lot 54, Concession 7, (Geographic Township of Wainfleet), in the Township of Wainfleet, Regional Municipality of Niagara, being part of the lands described in PIN 64000-0082 (the "Lands"), and designated as Part 1 on the draft reference plan appended as Schedule 'A' to the Application for Approval to Expropriate Land attached hereto as Attachment "A";

WHEREAS the Lands are required for the purposes of facilitating the replacement of Oswego Creek Bridge on Regional Road 45 (Creek Road) and reconstruction of Regional Road 45 (Creek Road), between Regional Road 27 (River Road) and Regional Road 63 (Canborough Road) and works ancillary thereto;

WHEREAS 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*");

WHEREAS 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;

WHEREAS pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, The Regional Municipality of Niagara, shall not expropriate land without the approval of the approving authority, in this case, the Council of The Regional Municipality of Niagara;

WHEREAS the Council of The Regional Municipality of Niagara has by resolutions passed on August 17, 2023, authorized the commencement of procedures to expropriate lands;

WHEREAS R.R.O. 1990, Reg. 363 under the *Expropriations Act*, as amended, directs that an Application for Approval to Expropriate Land shall be in Form 1 appended hereto as Attachment “A” and a Notice of Application for Approval to Expropriate Land shall be in Form 2 appended hereto as Attachment “B”; and

WHEREAS The Regional Municipality of Niagara shall conduct the expropriation in accordance with the *Expropriations Act*;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the Council of The Regional Municipality of Niagara hereby authorizes an Application for Approval to Expropriate Land by The Regional Municipality of Niagara, in Form 1 attached as Attachment “A” in respect of the Lands.
2. That the Regional Clerk is hereby authorized to execute, on behalf of The Regional Municipality of Niagara, the Application for Approval to Expropriate Land in Form 1 attached as Attachment “A” in respect of the Lands.
3. That the Regional Clerk is hereby authorized to execute, on behalf of The Regional Municipality of Niagara, the Notice of Application for Approval to Expropriate Land in Form 2 attached as Attachment “B”, and that it be served and published, in accordance with the *Expropriations Act*.
4. That 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 the Council of The Regional Municipality Niagara for consideration.
5. That the Officers and authorized agents of The Regional Municipality of Niagara be and they are hereby otherwise authorized and directed to do all things required arising from the authorizations provided by this By-law.
6. That this By-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: < >

ATTACHMENT 'B'

Notice of Application for Approval to Expropriate Land

Expropriations Act

In the matter of an application by The Regional Municipality of Niagara for approval to expropriate land, being:

Part of Lot 54, Concession 7, (Geographic Township of Wainfleet), in the Township of Wainfleet, Regional Municipality of Niagara, designated as Part 1 on the draft reference plan attached hereto as Schedule "A", being part of the lands described in PIN 64000-0082.

for the purposes of the reconstruction of Oswego Creek Bridge on Regional Road 45 (Creek Road) in the Township of Wainfleet, between Regional Road 27 (River Road) and Regional Road 63 (Canborough Road), and works ancillary thereto.

Notice is hereby given that application has been made for approval to expropriate the land described as follows:

Part of Lot 54, Concession 7, (Geographic Township of Wainfleet), in the Township of Wainfleet, Regional Municipality of Niagara, designated as Part 1 on the draft reference plan attached hereto as Schedule "A", being part of the lands described in PIN 64000-0082.

Any owner of land in respect of which notice is given who desires a hearing into whether the taking of such land 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 a registered owner, served personally or by registered mail within thirty days after the registered 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:

The Council of The Regional Municipality of Niagara
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7

The expropriating authority is:

The Regional Municipality of Niagara
1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON L2V 4T7

THE REGIONAL MUNICIPALITY OF NIAGARA

Ann-Marie Norio, Regional Clerk

