



The Corporation of the County of Essex

By-Law Number 2020-01

A By-law to Authorize the Expropriation of Certain Lands for the Widening of a Portion of County Road 42 From Pike Creek to Strawberry Drive and to Establish a One Foot Reserve.

Whereas the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended authorizes municipalities to expropriate land for municipal purposes;

And Whereas the Corporation of the County of Essex is in a position to begin construction for the widening a portion of County Road 42 from Pike Creek to Strawberry Drive, Tecumseh

And Whereas the Corporation of the County of Essex authorized the commencement of an Application for Approval to Expropriate certain lands to allow for the construction for the widening a portion of County Road 42 from Pike Creek to Strawberry Drive, Tecumseh;

And Whereas the Corporation of the County of Essex made an Application for Approval to Expropriate Land, dated November 20, 2019, in which Application approval was sought to expropriate the lands designated as Parts 1 to 46 on Reference Plan 12R-27997, all in the Town of Tecumseh, in the County of Essex;

And Whereas to date the Corporation has not been successful in negotiating a purchase of the land designated as Parts 1 to 46 on Reference Plan 12R-27997;

And Whereas the owners of the lands designated as Parts 1 to 26, Parts 29 to 34, and Parts 37 to 46 on Reference Plan 12R-27997 have not requested the appointment of an Inquiry Officer by the Attorney General to hold a Hearing of Necessity under the *Expropriations Act*, R.S.O. 1990, Chapter E. 26 as amended for the affected lands.

And Whereas the owners of the lands designated as Parts 27, 28, 35, and 36 on Reference Plan 12R-27997 have requested the appointment of an Inquiry Officer by the Attorney General to hold a Hearing of Necessity under the *Expropriations Act*, R.S.O. 1990, Chapter E. 26 as amended for the affected lands.

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) That approval is hereby granted for the expropriation by the Corporation of the County of Essex of the lands described on Schedule "A" attached to this By-law, for municipal purposes in connection with the construction for the widening a portion of County Road 42 from Pike Creek to Strawberry Drive, in the Town of Tecumseh.
- 2) That the Warden and the Clerk of the Corporation of the County of Essex are hereby authorized to execute the Certificate of Approval and the Expropriation Certificate.
- 3) That the Clerk is hereby authorized to cause the Expropriation Plan to be registered in the Land Registry Office for the County of Essex and thereby effect the expropriation of the said lands.
- 4) That the Corporation of the County of Essex is hereby authorized to enter and take possession of the expropriated lands on the day permitted under the *Expropriations Act*, as amended, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and the Corporation of the County of Essex.
- 5) That the Clerk is hereby authorized to deliver Notices of Possession, Notices of Expropriation, Notices of Election and Offers and Appraisal Reports in accordance with s.25 of the *Expropriations Act*, as amended and to do all other things and give all other notices required by the *Expropriations Act*, as amended.
- 6) This By-law shall come into force and take effect after the final passing.

Read a first, second and third time and Finally Passed this 15th day of January, 2020.

Gary McNamara, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 2020-01** passed by the Council of the said Corporation on the 15th, day of January **2020**.

Mary S. Birch, Clerk
Corporation of the County of Essex

Schedule "A"

- 1) Certain parts of the property legally described as part of Lot 20, Concession 12, Sandwich East, designated as Part 2 on Reference Plan 12R-4184, except Part 1 on Reference Plan 12R-10046, now specifically designated as Parts 1 and 2 on Reference Plan 12R-27997;
- 2) Certain parts of the property legally described as part of Lot 20, Concession 12, Sandwich East designated as Parts 1 and 3 on Reference Plan 12R-6307 now specifically designated as Parts 3 and 4 on Reference Plan 12R-27997;
- 3) Certain parts of the property legally described as part of Lot 20, Concession 12 as in R1540160, now specifically designated as Parts 5 and 6 on Reference Plan 12R-27997;
- 4) Certain parts of the property legally described as part of Lot 20, Concession 12, Sandwich East designated as Part 2 on Reference Plan 12R-6307, now specifically designated as Parts 7 and 8 on Reference Plan 12R-27997;
- 5) Certain parts of the property legally described as part of Gore Lot 156 in the rear of Concession 3 and Concession 12 in the Gore Sandwich East as in R292622, now specifically designated as Part 9 on Reference Plan 12R-27997;
- 6) Certain parts of the property legally described as part of Lot 156 (Askin Gore) 12, Sandwich East designated as Parts 2 and 3 on Reference Plan 12R-19742, s/t R.O.W. over Part 2 on Reference Plan 12R-19742 for the benefit of Part 1 on Reference Plan 12R-19742, as in CE3196, now specifically designated as Parts 10 to 16 both inclusive on Reference Plan 12R-27997;
- 7) Certain parts of the property legally described as part of Lot 156 (Askin Gore) 12, Sandwich East designated as Part 1 on Reference Plan 12R-19742, t/w R.O.W. over Part 2 on Reference Plan 12R-19742 as in CE3196, now specifically designated as Parts 17 and 18 on Reference Plan 12R-27997;

- 8) Certain parts of the property legally described as part of Lot 11, Concession 10 WBR, Maidstone as in R1331943, now specifically designated as Part 19 on Reference Plan 12R-27997;
- 9) Certain parts of the property legally described as part of Lot 11, Concession 10 WBR Maidstone as in R226867, except Part 1 on Reference Plan 12R-7876, t/w R471477, now specifically designated as Parts 20 to 22 both inclusive on Reference Plan 12R-27997;
- 10) Certain parts of the property legally described as part of Lot 10, Concession West of River Peche, Maidstone designated as Part 2 and 3 on Reference Plan 12R-8829, now specifically designated as Parts 23 to 26 both inclusive on Reference Plan 12R-27997;
- 11) Certain parts of the property legally described as part of Lot 10, Concession West of River Peche, Maidstone designated as Part 1 on Reference Plan 12R-8829, now specifically designated as Parts 29 and 30 on Reference Plan 12R-27997;
- 12) Certain parts of the property legally described as part of Gore Lot 156 in the rear of Concession 3 and Concession 12 in the Gore Sandwich East designated as Part 8 on Reference Plan 12R-16731 and part of Lot 156 Concession 1 Sandwich East designated as Parts 4 and 7 on Reference Plan 12R-16731, now specifically designated as Parts 31 and 32 on Reference Plan 12R-27997;
- 13) Certain parts of the property legally described as part of Gore Lot 156 in the rear of Concession 3 and Concession 12 in the Gore Sandwich East as in R1422889, except Part 2 on Reference Plan 12R-4240 and part of Lot 156, Concession 1, Sandwich East designated as Parts 3 and 5 on Reference Plan 12R-16731, now specifically designated as Parts 33 and 34 on Reference Plan 12R-27997;
- 14) Certain parts of the property legally described as part of Lot 153, Concession 3, Sandwich East as in R137847 and part of Lot 153, Concession 3, Sandwich East designated as Part 1 on Reference Plan 12R-8739, now specifically designated as Parts 37 to 40 both inclusive on Reference Plan 12R-27997;

- 15) Certain parts of the property legally described as part of Lot 153, Concession 3, Sandwich East designated as Part 2 on Reference Plan 12R-8739, now specifically designated as Parts 41 and 42 on Reference Plan 12R-27997;
- 16) Certain parts of the property legally described as part of Lot 153, Concession 3, Sandwich East designated as Part 1 on Reference Plan 12R-9160, now specifically designated as Parts 43 and 44 both inclusive on Reference Plan 12R-27997;
- 17) Certain parts of the property legally described as part of PCL 1-1 SEC 12M-293, Lot 1, Plan 12M-293, Sandwich South, now specifically designated as Parts 45 and 46 on Reference Plan 12R-27997;

all in the Town of Tecumseh, in the County of Essex.