



The Corporation of the County of Essex

By-Law Number 2020-10

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

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 east of Lauzon Road, 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 east of Lauzon Road, Tecumseh;

And Whereas the Corporation of the County of Essex made an Application for Approval to Expropriate Land, dated January 15, 2020, in which Application approval was sought to expropriate the lands designated as Parts 1 to 69 on Reference Plan 12R-27999, Parts 1 to 94 on Reference Plan 12R-28003 and Parts 1 to 42 on Reference Plan 12R-28000, in the City of Windsor and 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 57, 58, 61, 62, 65, 66, 67, and 68 on Reference Plan 12R-28003;

And Whereas to date the Corporation has not been successful in negotiating a purchase of the land designated as Parts 1 to 69 on Reference Plan 12R-27999, Parts 1 to 16, 19 to 42, 45 to 56, 59, 60, 63, 64 and 69 to 94 on Reference Plan 12R-28003 and Parts 1 to 34 and Parts 37 to 42 on Reference Plan 12R-28000;

By-Law Number 2020-10

Page 2

And Whereas title to Parts 43 and 44 on Reference Plan 12R-28003 and Parts 21 and 22 on Reference Plan 12R-28000 are already in the name of the Corporation;

And Whereas title Parts 17 and 18 on Reference Plan 12R-28003 is held to the benefit of the public authority;

And Whereas the owner of the lands designated as Parts 58 and 59 on Reference Plan 12R-27999 and Parts 89 and 90 on Reference Plan 12R-28003 has indicated it may require 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 51 and 52 on Reference Plan 12R-28003 have advised that they require 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 owner of the lands designated as Parts 23 and 24 on Reference Plan 12R-28000 has advised that she requires 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 35 and 36 on Reference Plan 12R-28000 have advised that they require 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 Schedules "A", "B", and "C" 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.

By-Law Number 2020-10

Page 3

- 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 4th day of March, 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 2020-10** passed by the Council of the said Corporation on the 4th, day of **March 2020**.

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

Schedule "A"
(Phase 2, 12R-27999)

- 1) Certain part of the property legally described as part of Block 96, Plan 12M-333, Sandwich South, now specifically designated as Parts 1 and 2 on Reference Plan 12R-27999;
- 2) Certain part of the property legally described as part of Lot 20, Concession 11, Sandwich East as in R505981; description may not be acceptable in future as in R505981, s/t R1548926, now specifically designated as Parts 3 to 9 on Reference Plan 12R-27999;
- 3) Certain part of the property legally described as part of Lot 20, Concession 11, Sandwich East as in R1481175, now specifically designated as Parts 10 and 11 on Reference Plan 12R-27999;
- 4) Certain part of the property legally described as part of Lot 20, Concession 11, Sandwich East as in R1437969, now specifically designated as Parts 12 and 13 on Reference Plan 12R-27999;
- 5) Certain part of the property legally described as part of Lot 20, Concession 11 as in R1022170 save and except Part 1 on Reference Plan 12R-20734, now specifically designated as Parts 14 and 15 on Reference Plan 12R-27999;
- 6) Certain part of the property legally described as part of Lot 20, Concession 12, Sandwich East as in R630569 except Part 1 on Reference Plan 12R-12911 and part of Lot 20, Concession 12, designated as Part 2 on Reference Plan 12R-21659, now specifically designated as Parts 16 to 19 on Reference Plan 12R-27999;
- 7) Certain part of the property legally described as part of Lot 20, Concession 12 designated as Part 3 on Reference Plan 12R-21659, now specifically designated as Parts 20 and 21 on Reference Plan 12R-27999;
- 8) Certain part of the property legally described as part of Lot 20, Concession 12, Sandwich East as in R756484, now specifically designated as Parts 22 and 23 on Reference Plan 12R-27999;

By-Law Number 2020-10

Page 6

- 9) Certain part of the property legally described as part of Lot 20, Concession 12, Sandwich East designated as Part 1 on Reference Plan 12R-3528 and Part 1 on Reference Plan 12R-4769, now specifically designated as Parts 24 and 25 on Reference Plan 12R-27999;
- 10) Certain part of the property legally described as part Lot 20, Concession 12, Sandwich East as in R1244479, now specifically designated as Parts 26 and 27 on Reference Plan 12R-27999;
- 11) Certain part of the property legally described as part of Lot 20, Concession 12, Sandwich East as in R548520, now specifically designated as Parts 28 and 29 on Reference Plan 12R-27999;
- 12) Certain part of the property legally described as part of Lot 20, Concession 12, Sandwich East as in R1129235, now specifically designated as Parts 30 and 31 on Reference Plan 12R-27999;
- 13) Certain part of the property legally described as Lot 91, Plan 12M-293, Sandwich South, now specifically designated as Parts 32 and 33 on Reference Plan 12R-27999;
- 14) Certain part of the property legally described as part of Lot 153, Concession 3, Sandwich East designated as Part 1 on Reference Plan 12R-7401, now specifically designated as Parts 34 and 35 on Reference Plan 12R-27999;
- 15) Certain part of the property legally described as part of Lot 153, Concession 3, Sandwich East as in R1067731, now specifically designated as Parts 36 and 37 on Reference Plan 12R-27999;
- 16) Certain part of the property legally described as part of Lot 152, Concession 3, Sandwich East designated as Part 1 on Reference Plan 12R-8841, now specifically designated as Parts 38 and 39 on Reference Plan 12R-27999;
- 17) Certain part of the property legally described as part of Lot 152, Concession 3, Sandwich East designated as Parts 2 and 3 on Reference Plan 12R-8841, now specifically designated as Parts 40 and 41 on Reference Plan 12R-27999;

- 18) Certain part of the property legally described as part of Lot 152, Concession 3, Sandwich East designated as Parts 2 and 3 on Reference Plan 12R-20271, s/t R1540159AE, now specifically designated as Parts 42 to 44 on Reference Plan 12R-27999;
- 19) Certain part of the property legally described as part of Lot 151, Concession 3, Sandwich East designated as Part 2 on Reference Plan 12R-5683 and Part 1 on Reference Plan 12R-3798, now specifically designated as Parts 45 to 47 on Reference Plan 12R-27999;
- 20) Certain part of the property legally described as part of Lot 151, Concession 3, Sandwich East as in R1475436, now specifically designated as Parts 48 and 49 on Reference Plan 12R-27999;
- 21) Certain part of the property legally described as part of Lot 151, Concession 3, Sandwich South, designated as Part 2 on Reference Plan 12R-19399, now specifically designated as Parts 50 and 51 on Reference Plan 12R-27999;
- 22) Certain part of the property legally described as part of Lot 151, Concession 3, Sandwich East as in R1251433, now specifically designated as Parts 52 and 53 on Reference Plan 12R-27999;
- 23) Certain part of the property legally described as part of Lot 151, Concession 3, Sandwich East as in R1533149, now specifically designated as Parts 54 and 55 on Reference Plan 12R-27999;
- 24) Certain part of the property legally described as part of Lots 236 and 237, Registered Plan 1380, now specifically designated as Parts 56 and 57 on Reference Plan 12R-27999;
- 25) Certain part of the property legally described as part of Lots 233, 234 and 235, Registered Plan 1380, Sandwich East, designated as Part 3 on Reference Plan 12R-2299, s/t R651639 assigned by R1477275, now specifically designated as Parts 60 and 61 on Reference Plan 12R-27999;
- 26) Certain part of the property legally described as part of Lots 92 and 93, Registered Plan 1380, now specifically designated as Parts 62 and 63 on Reference Plan 12R-27999;

- 27) Certain part of the property legally described as part of Lots 90 and 91, Registered Plan 1380, now specifically designated as Parts 64 and 65 on Reference Plan 12R-27999;
- 28) Certain part of the property legally described as part of Lots 87, 88 and 89, Registered Plan 1380, Sandwich East designated as Part 1 on Reference Plan 12R-18192, now specifically designated as Parts 66 and 67 on Reference Plan 12R-27999;
- 29) Certain part of the property legally described as part of Lot 149, Concession 3, Sandwich East designated as Parts 1 and 2 on Reference Plan 12R-4568, now specifically designated as Parts 68 and 69 on Reference Plan 12R-27999;

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

Schedule "B"
(Phase 3, 12R-28003)

- 1) Certain part of the property legally described as part of Lot 1, Registered Plan 65 Sandwich East and part of Lot A, Registered Plan 65 Sandwich East designated as Part 1 on Reference Plan 12R-11482, now specifically designated as Parts 1 and 2 on Reference Plan 12R-28003;
- 2) Certain part of the property legally described as part of Lot 1, Registered Plan 65 Sandwich East and part of Lot A, Registered Plan 65 Sandwich East designated as Part 1 on Reference Plan 12R-4377, now specifically designated as Parts 3 and 4 on Reference Plan 12R-28003;
- 3) Certain part of the property legally described as part of Lot 1, Registered Plan 65 Sandwich East and part of Lot A, Registered Plan 65 Sandwich East designated as Part 2 on Reference Plan 12R-4377, now specifically designated as Parts 5 and 6 on Reference Plan 12R-28003;
- 4) Certain part of the property legally described as part of Lot 1, Registered Plan 65 Sandwich East and part of Lot A, Registered Plan 65 Sandwich East designated as Part 1 on Reference Plan 12R-6076, now specifically designated as Parts 7 and 8 on Reference Plan 12R-28003;
- 5) Certain part of the property legally described as part of Lot 1, Registered Plan 65 Sandwich East and part of Lot A, Registered Plan 65 Sandwich East designated as Part 2 on Reference Plan 12R-6076, now specifically designated as Parts 9 and 10 on Reference Plan 12R-28003;
- 6) Certain part of the property legally described as part of Lot 1, Registered Plan 65 Sandwich East and part of Lot A, Registered Plan 65 Sandwich East designated as Part 3 on Reference Plan 12R-6076, now specifically designated as Parts 11 and 12 on Reference Plan 12R-28003;

- 7) Certain part of the property legally described as part of Lot A, Registered Plan 65 Sandwich East designated as Part 3 on Reference Plan 12R-8316, now specifically designated as Parts 13 and 14 on Reference Plan 12R-28003;
- 8) Certain part of the property legally described as part of Lot A, Registered Plan 65 Sandwich East designated as Part 4 on Reference Plan 12R-8316, now specifically designated as Parts 15 and 16 on Reference Plan 12R-28003;
- 9) Certain part of the property legally described as part of Lot 144, Concession 3 designated as Part 1 on Reference Plan 12R-10317, now specifically designated as Parts 19 to 22 on Reference Plan 12R-28003;
- 10) Certain part of the property legally described as part of Lots 144 and 145, Concession 3 designated as Part 1 on Reference Plan 12R-9880, now specifically designated as Parts 23 and 24 on Reference Plan 12R-28003;
- 11) Certain part of the property legally described as part of Lots 144, 145 and 146, Concession 3 Sandwich East as in R1065932 and Part 2 on Reference Plan 12R-9880, now specifically designated as Parts 25 and 26 on Reference Plan 12R-28003;
- 12) Certain part of the property legally described as part of Lot 146, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-7712, thumbnail amended 2003/04/07 by Anita Barnes, now specifically designated as Parts 27 and 28 on Reference Plan 12R-28003;
- 13) Certain part of the property legally described as part of Lot 146, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-10386, s/t an easement over Part 8 on Reference Plan 12R-23860 as in CE352520, s/t an easement over Part 8 on Reference Plan 12R-23680 as in CE363181, now specifically designated as Parts 29 to 32 on Reference Plan 12R-28003;
- 14) Certain part of the property legally described as part of Lots 144, 145 and 146, Concession 3 Sandwich East designated as Part 2 on Reference Plan 12R-10386, now specifically designated as Parts 33 and 34 on Reference Plan 12R-28003;

- 15) Certain part of the property legally described as part of Lot 146, Concession 3 Sandwich East as in R850395, now specifically designated as Parts 35 and 36 on Reference Plan 12R-28003;
- 16) Certain part of the property legally described as part of Lot 147, Concession 3 Sandwich East as in R176230 except the easement therein and except R1433519, subject to an easement in gross over Parts 1 and 2 on Reference Plan 12R-25969 as in CE636586, now specifically designated as Parts 37 and 38 on Reference Plan 12R-28003;
- 17) Certain part of the property legally described as part of Lot 148, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-12127, now specifically designated as Parts 39 and 40 on Reference Plan 12R-28003;
- 18) Certain part of the property legally described as part of Lot 148, Concession 3 Sandwich East designated as Part 4 on Reference Plan 12R-12127, now specifically designated as Parts 41 and 42 on Reference Plan 12R-28003;
- 19) Certain part of the property legally described as part of Lot 20, Concession 11 Sandwich East as in R361285, now specifically designated as Parts 45 and 46 on Reference Plan 12R-28003;
- 20) Certain part of the property legally described as part of Lot 20, Concession 11 Sandwich East designated as Part 1 on Reference Plan 12R-5167, now specifically designated as Parts 47 and 48 on Reference Plan 12R-28003;
- 21) Certain part of the property legally described as part of Lot 20, Concession 11 Sandwich East designated as Part 10 on Reference Plan 12R-6451, now specifically designated as Parts 49 and 50 on Reference Plan 12R-28003;
- 22) Certain part of the property legally described as part of Lot 20, Concession 11 Sandwich East designated as Part 1 on Reference Plan 12R-13854, except Part 1 on Reference Plan 12R-14113, Parts 1 and 2 on Reference Plan 12R-14425 and Parts 1 and 2 on Reference Plan 12R-26775, now specifically designated as Parts 53 and 54 on Reference Plan 12R-28003;

- 23) Certain part of the property legally described as part of Lot 20, Concession 11 Sandwich East designated as Part 1 on Reference Plan 12R-14425, now specifically designated as Parts 55 and 56 on Reference Plan 12R-28003;
- 24) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East designated as Part 2 on Reference Plan 12R-9470, now specifically designated as Parts 59 and 60 on Reference Plan 12R-28003;
- 25) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East as in R1114322 and Part 1 on Reference Plan 12R-13048, now specifically designated as Parts 63 and 64 on Reference Plan 12R-28003;
- 26) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East as in R1071044, now specifically designated as Parts 69 and 70 on Reference Plan 12R-28003;
- 27) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East designated as Part 1 on Reference Plan 12R-8619, now specifically designated as Parts 71 and 72 on Reference Plan 12R-28003;
- 28) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East designated as Part 2 on Reference Plan 12R-5602, except Part 1 on Reference Plan 12R-8619, now specifically designated as Parts 73 and 74 on Reference Plan 12R-28003;
- 29) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East designated as Part 3 on Reference Plan 12R-6164, now specifically designated as Parts 75 and 76 on Reference Plan 12R-28003;
- 30) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East designated as Part 2 on Reference Plan 12R-6164, now specifically designated as Parts 77 and 78 on Reference Plan 12R-28003;

- 31) Certain part of the property legally described as part of Lot 19, Concession 11 designated as Part 2 on Reference Plan 12R-3925 and Parts 1 and 4 on Reference Plan 12R-6164, subject to an easement in gross over Part 1 on Reference Plan 12R-27077 as in CE797988, now specifically designated as Parts 79 to 84 on Reference Plan 12R-28003;
- 32) Certain part of the property legally described as part of Lot 19, Concession 11 Sandwich East as in SS9493, R183172 and R296293, now specifically designated as Parts 85 to 88 on Reference Plan 12R-28003;
- 33) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East designated as Parts 1 and 6 on Reference Plan 12R-10865, s/t R1140400, now specifically designated as Parts 91 to 94 on Reference Plan 12R-28003;

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

**Schedule "C"
(Phase 5, 12R-28000)**

- 1) Certain part of the property legally described as part of Lot 138, Concession 3 Sandwich East as in R1370237 except R468632, now specifically designated as Parts 1 and 2 on Reference Plan 12R-28000;
- 2) Certain part of the property legally described as part of Lot 139, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-4805, now specifically designated as Parts 3 and 4 on Reference Plan 12R-28000;
- 3) Certain part of the property legally described as part of Lot 139, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-18203, now specifically designated as Parts 5 and 6 on Reference Plan 12R-28000;
- 4) Certain part of the property legally described as part of Lot 139, Concession 3 Sandwich East in R310397, now specifically designated as Parts 7 and 8 on Reference Plan 12R-28000;
- 5) Certain part of the property legally described as part of Lot 140, Concession 3 Sandwich East designated as Part 3 on Reference Plan 12R-26594, now specifically designated as Part 9 on Reference Plan 12R-28000;
- 6) Certain part of the property legally described as part of Lot 140, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-26594, now specifically designated as Part 10 on Reference Plan 12R-28000;
- 7) Certain part of the property legally described as part of Lot 140, Concession 3 Sandwich East as in R1350433, now specifically designated as Parts 11 and 12 on Reference Plan 12R-28000;
- 8) Certain part of the property legally described as part of Lot 140, Concession 3 Sandwich East as in R775468, now specifically designated as Parts 13 and 14 on Reference Plan 12R-28000;

- 9) Certain part of the property legally described as Lot 3, Registered Plan 65 Sandwich East, part of Lots 1, 2, and 4, Registered Plan 65 Sandwich East, part of Lot 141, Concession 3 Sandwich East as in R354976 except Part 1 on Reference Plan 12R-9654 and Part 1 on Reference Plan 12R-10914, now specifically designated as Parts 15 and 16 on Reference Plan 12R-28000;
- 10) Certain part of the property legally described as part of Lot 141, Concession 3 Sandwich East designated as Part 1 on Reference Plan 12R-10914, now specifically designated as Parts 17 and 18 on Reference Plan 12R-28000;
- 11) Certain part of the property legally described as part of Lot 138, Concession 3 Sandwich East as in R949179 except R468632, now specifically designated as Parts 41 and 42 on Reference Plan 12R-28000;

all in the City of Windsor;

- 12) Certain part of the property legally described as part of Lot A, Registered Plan 65 as in R1503191, now specifically designated as Parts 19 and 20 on Reference Plan 12R-28000;
- 13) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East designated as Part 1 on Reference Plan 12R-18067, now specifically designated as Parts 25 and 26 on Reference Plan 12R-28000;
- 14) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East as in R1012063, now specifically designated as Parts 27 and 28 on Reference Plan 12R-28000;
- 15) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East as in R648926, now specifically designated as Parts 29 and 30 on Reference Plan 12R-28000;
- 16) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East as in R764768, now specifically designated as Parts 31 and 32 on Reference Plan 12R-28000;

- 17) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East as in R1295109, now specifically designated as Parts 33 and 34 on Reference Plan 12R-28000;
- 18) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East as in R696515, now specifically designated as Parts 37 and 38 on Reference Plan 12R-28000;
- 19) Certain part of the property legally described as part of Lot 19, Concession 10 Sandwich East as in R712965, now specifically designated as Parts 39 and 40 on Reference Plan 12R-28000.

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