



The Corporation of the County of Essex

By-Law Number 2023-54

A By-law to authorize the expropriation of certain lands for the widening of a portion of County Road 42 at its intersection with County Road 19.

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 requires the lands described as Parts 27 and 28 on Reference Plan 12R-27997 to complete certain improvements to the intersection of County Road 19 and County Road 42, including widening County Road 19 and County Road 42 and installing a roundabout at the intersection of County Road 19 and County Road 42;

And whereas the Corporation of the County of Essex authorized the commencement of an Application for Approval to Expropriate certain lands, including Parts 27 and 28 on Reference Plan 12R-27997;

And whereas, on or about the 15th day of January, 2020, the Corporation of the County of Essex made an Application to Expropriate Land, in which approval was sought to expropriate certain lands, including Parts 27 and 28 on Reference Plan 12R-27997;

And whereas the Corporation of the County of Essex was unable to complete the expropriation of Parts 27 and 28 on Reference Plan 12R-27997 as the owner of the said parts requested a Hearing of Necessity before the Ontario Land Tribunal;

And whereas the owner of Parts 27 and 28 on Reference Plan 12R-27997 has now withdrawn its request for a Hearing of Necessity before the Ontario Land Tribunal, such that the Corporation of the County of Essex is now in a position to render a decision regarding the expropriation of the said parts.

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 as Parts 27 and 28 on Reference Plan 12R-27997 for municipal purposes in connection with certain improvements to the intersection of County Road 19 and County Road 42, including the widening of the said County Roads and the installation of a roundabout at the said intersection;
- 2) That the Warden and the Clerk of the Corporation of the County of Essex be and are hereby authorized to execute the Certificate of Approval and the Expropriation Certificate.
- 3) That the Clerk is hereby authorized to cause an Expropriation Plan to be registered in the Land Registry Office for the County of Essex and thereby effect the expropriation of the said Parts 27 and 28 on Reference Plan 12R-27997;
- 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 an Order of the Court, or pursuant to any agreement entered into between the owner of Parts 27 and 28 on Reference Plan 12R-27997 and the Corporation of the County of Essex;
- 5) That the Clerk is hereby authorized to deliver a Notice of Possession, Notice of Expropriation, Notice of Election, and Offer and Appraisal Report in accordance with Section 25 of the *Expropriations Act*, as amended; and
- 6) This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and Finally Passed this Fifteenth day of November, 2023.

Hilda MacDonald, 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 2023-54** passed by the Council of the said Corporation on this **Fifteenth day of November, 2023.**

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