



Bill No. 033

**BY- LAW NUMBER 2018-**

**A By-law of The Corporation of The City of Barrie to repeal and amend By-law 2018-028 for the expropriation of the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Parts 1, 2 and 3 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT).**

**WHEREAS** Section 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("the *Municipal Act, 2001*"), provides that the power of a Municipality to acquire land under the Act or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*;

**AND WHEREAS** Section 10 of the *Municipal Act, 2001*, provides that a single-tier municipality may pass by-laws respecting matters set out therein including, *inter alia*, public assets of the municipality acquired for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

**AND WHEREAS** by Motion 17-G-292 the Council of The Corporation of The City of Barrie authorized the commencement of the expropriation of the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Parts 1, 2 and 3 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT) for road widening and expansion purposes, a temporary easement for blanket utility purposes and a permanent easement for drainage purposes;

**AND WHEREAS** application was made by The Corporation of The City of Barrie to the Council of The Corporation of The City of Barrie for approval to expropriate the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Parts 1, 2 and 3 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT);

**AND WHEREAS** a Notice of Application was served on the registered owners of the lands described above, and was published once a week for 3 successive weeks in the Barrie Advance, commencing February 15, 2018;

**AND WHEREAS** The Council of The Corporation of The City of Barrie deems it expedient to repeal By-Law 2018-028 for the expropriation of the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Parts 1, 2 and 3 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT) for road widening purposes.

**AND WHEREAS** The Council of the Corporation of the City of Barrie deems it appropriate to expropriate the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Parts 1, 2 and 3 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT) for road widening and expansion purposes, a temporary easement for blanket utility purposes and a permanent easement for drainage purposes.

**NOW THEREFORE**, the Council of The Corporation of The City of Barrie enacts as follows:

1. **THAT** By-Law 2018-028 is hereby repealed.
2. **THAT** The Corporation of The City of Barrie expropriate the fee simple interest in the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Part 1 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT) for the purpose of a road widening and expansion.
3. **THAT** The Corporation of The City of Barrie expropriate an easement interest in the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Part 2 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT) for the purpose of a temporary easement for blanket utility purposes for a period of five (5) years.

4. **THAT** The Corporation of The City of Barrie expropriate an easement interest in the lands described as Part of Park Lot 3 and 4, Plan 67 and Part of Lot 7, Concession 12, designated as Parts 2 and 3 on Plan 51R-41318, City of Barrie, being Part of PIN: 58733-0264 (LT) for the purpose of a permanent easement for drainage purposes.
5. **THAT** the Mayor and the City Clerk are authorized to execute the Certificate of Approval with respect to the expropriation of the lands.
6. **THAT** an Expropriation Plan of the said lands be prepared and registered in accordance with Section 9 of the *Expropriations Act*, R.S.O. 1990, c. E.26.
7. **THAT** the City Clerk is authorized, empowered and directed to have the land appraised and to execute and have served, the Notice of Expropriation, Notice of Election, Notice of Possession, Offer of Compensation and Appraisal.
8. **THAT** this By-law shall come into force and have effect immediately on the final passing thereof.

**READ** a first and second time this 16<sup>th</sup> day of April, 2018.

**READ** a third time and finally passed this 16<sup>th</sup> day of April, 2018.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J. R. LEHMAN**

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**CITY CLERK – WENDY COOKE**