

BY-LAW NUMBER 35-2015
OF
THE REGIONAL MUNICIPALITY OF DURHAM

being a by-law to expropriate:

Permanent Easement Interest for Sanitary Sewer Pipe in Part of Lot 31, Concession 1, designated as Part 1 on 40R28774, Town of Whitby, in The Regional Municipality of Durham;

Access Easement Interest in Part of Lot 31, Concession 1, designated as Part 2 on 40R28774, Town of Whitby, in The Regional Municipality of Durham; and

Temporary Easement Interest in Part of Lot 31, Concession 1, designated as Part 3 on 40R28774, Town of Whitby, in The Regional Municipality of Durham, which is a working easement for 2 years from the date the expropriation plan is registered.

WHEREAS under the Expropriations Act, R.S.O. 1990, c. E.26 an expropriation authority is required to seek approval from its approving body to expropriate property.

WHEREAS The Regional Municipality of Durham is the expropriation authority under the Act and the approving body is Regional Council.

AND WHEREAS the authority for such approval to expropriate is obtained by Regional Council passing the required by-law.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Regional Municipality of Durham through its Council thereof as follows:

1. THAT an easement interest in the lands described as:

Lands in the Town of Whitby, in the Regional Municipality of Durham, being composed of those lands in the Land Registry Office for the Land Titles Division of Durham Region more particularly described as follows:

PERMANENT EASEMENT INTEREST for Sanitary Sewer Pipe in Part of Lot 31, Concession 1, designated as Part 1 on 40R28774, Town of Whitby, in The Regional Municipality of Durham;

ACCESS EASEMENT INTEREST in Part of Lot 31, Concession 1, designated as Part 2 on 40R28774, Town of Whitby, in The Regional Municipality of Durham; and

TEMPORARY EASEMENT INTEREST in Part of Lot 31, Concession 1, designated as Part 3 on 40R28774, Town of Whitby, in The Regional Municipality of Durham, which is a working easement for 2 years from the date the expropriation plan is registered;

is hereby taken and expropriated for which the terms and conditions and the purpose for all 3 easement interests is for a free, uninterrupted, unobstructed and exclusive right to facilitate the installation, constructing, reconstructing, examining, altering, maintaining, repairing, renewing, or replacing of a sanitary sewer together with any and all appurtenances thereto as may be required from time to time on, in across, under and through the lands described herein and the right of the Region and its servants, agents, contractors and workmen with all necessary materials, equipment, machinery and vehicles to enter upon the Lands at all times for such purpose and the Region covenants that it will fill in all excavations and, as far as is practicable, restore the Lands and premises to the condition existing prior to any entry thereon to exercise the rights hereby expropriated for the construction of a Sanitary Sewer Pipe and for all ancillary requirements and related construction activities, in the Town of Whitby, in the Regional Municipality of Durham and for any other upgrades, Regional infrastructure projects related or otherwise as may be contemplated in the future.

2. THAT Regional Council, as expropriating authority under the Expropriations Act, authorize all necessary steps to comply with the Expropriations Act, including, but not limited to, the preparation and registration of Expropriation Plans and the service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession.
3. THAT Regional Council grants authority to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the Expropriations Act R.S.O. 1990, c. E.26 to give affect to Clause 2 including the Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession, including the Certificate of Approval to be affixed to the Expropriation Plan.

BY-LAW read and passed on the 24th day of June, 2015.

R. Anderson, Regional Chair and CEO

D. Bowen, Regional Clerk