

Authority: Item ____, General Issues
Committee Report 20-008
(PED19142(a))
CM: April 1, 2020
Ward: 3

Bill No. 043

CITY OF HAMILTON

BY-LAW NO. 20-043

BEING A BY-LAW TO EXPROPRIATE 70 BRANT STREET, HAMILTON, ONTARIO, LEGALLY DESCRIBED AS, FIRSTLY, PART OF LOTS 9 AND 10 AND PART OF THE WATER LOT IN SHERMAN INLET, CONCESSION 1, BARTON AND PART OF RESERVES 1 AND 2, PLAN 32, DESIGNATED AS PART 1 ON 62R-18342, BEING ALL OF PIN 17193-0045 (LT), SECONDLY, PART OF LOT 219 AND PART OF RESERVES 1 AND 2, PLAN 32, DESIGNATED AS PART 2 ON 62R-18342, BEING ALL OF PIN 17193-0048 (LT), AND THIRDLY, PART OF THE WATER LOT IN SHERMAN INLET, CONCESSION 1, BARTON, DESIGNATED AS PART 3 ON 62R-18342, BEING ALL OF PIN 17193-0049 (LT), FOR MUNICIPAL PURPOSES ASSOCIATED WITH THE ACQUISITION, DEVELOPMENT AND CONSTRUCTION OF THE HAMILTON TRANSIT BUS MAINTENANCE AND STORAGE FACILITY, AND ALL ANCILLARY WORKS REQUIRED TO COMPLETE THE FOREGOING.

WHEREAS Section 6 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended empowers a municipality to expropriate land in accordance with the *Expropriations Act*.

AND WHEREAS the City of Hamilton, as expropriating authority, made application to the Council of the City of Hamilton on the 11th day of October, 2019 for approval to expropriate 70 Barton Street, Hamilton, legally described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, designated as Part 1 on 62R-18342, being all of PIN 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, designated as Part 2 on 62R-18342, being all of PIN 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, designated as Part 3 on 62R-18342, being all of PIN 17193-0049 (LT) (Collectively, the "Lands") in accordance with the *Expropriations Act*, R.S.O. 1990, Chapter E.26 (the "Act");

AND WHEREAS the City of Hamilton as expropriating authority did serve a Notice of the said Application for Approval to Expropriate upon each registered owner (as defined in the Act) of the Lands and did publish a Notice of the Application for Approval to Expropriate in the Hamilton Spectator; a newspaper having general circulation in the City of Hamilton, in accordance with the *Act*;

AND WHEREAS a request for an Inquiry Hearing was made by Revolution Environmental Solutions LP doing business as Terrapure Environmental which request

was withdrawn on February 6, 2020 and accordingly no Inquiry Hearing has been held;

AND WHEREAS the Council of the City of Hamilton, as approving authority deems it expedient to grant the Application to Expropriate the Lands.

NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. That, as approving authority under the *Expropriations Act*, the said Application for Approval to Expropriate the Lands (forming part of this By-law), made by the City of Hamilton as expropriating authority, be and the same is hereby granted and 70 Barton Street, Hamilton, legally described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, designated as Part 1 on 62R-18342, being all of PIN 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, designated as Part 2 on 62R-18342, being all of PIN 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, designated as Part 3 on 62R-18342, being all of PIN 17193-0049 (LT) is hereby expropriated for municipal purposes associated with the acquisition, development and construction of the Hamilton transit bus maintenance and storage facility, and all ancillary works required to complete the foregoing.
2. That the Mayor, Clerk and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this By-law and this authority shall include the taking of all necessary proceedings to enter and to take possession of the lands hereby expropriated.

PASSED this 20th day of March 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk