



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 82-2009

A by-law to approve the expropriation of fee simple and two year temporary easement interests for the purpose of widening Queen Street East between Highway 410 and Centre Street in the City of Brampton.

WHEREAS, the Council of The Corporation of the City of Brampton enacted By-Law No. 260-2008 authorizing commencement of the expropriation of the lands described in Schedule "C" attached hereto (the "Lands") for the municipal purpose of widening Queen Street East between Highway 410 and Centre Street including "Acceleride Improvements" which include, but are not limited to, high occupancy vehicle lanes, bus only queue jump lanes and bus bays to provide for transit priority along Queen Street East in the City of Brampton, and works ancillary thereto and to provide for a temporary easement or rights in the nature of a temporary easement expiring two years from the date of the registration of a plan of expropriation to allow access for workers, material and equipment required for the purpose of regrading, shaping and installing restoration works.

AND WHEREAS an inquiry was held with respect to the lands described in Schedule "A" attached hereto (the "Inquiry Lands") to determine whether the proposed expropriation is fair, sound and reasonably necessary to accomplish the objectives set out in the Notice of Grounds served upon the parties in accordance with the *Expropriations Act*, R.S.O. 1990, c.E.26, as amended (the "Act").

AND WHEREAS, after hearing the evidence presented with respect to the Inquiry Lands, the Inquiry Officer concluded that the proposed expropriation is fair, sound and reasonably necessary, which conclusion is contained in a written report dated February 20, 2009.

AND WHEREAS Council has received and reviewed the said report of the Inquiry Officer.

AND WHEREAS the City of Brampton has been unable to reach an agreement with the owners of the Lands to convey the necessary interests required to meet the objectives of the expropriating authority.

NOW THEREFORE, the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

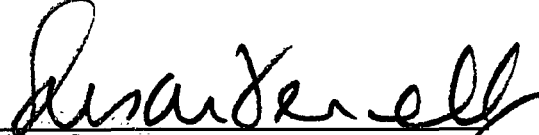
1. That expropriation of the Lands is hereby approved and in particular expropriation of the Inquiry Lands is hereby approved for the written reasons attached hereto as Schedule "B" to this by-law.
2. That the decision of the Council of The Corporation of the City of Brampton to approve the expropriation and the written reasons therefore be served upon the parties to the inquiry and upon the Inquiry Officer.
3. That the Mayor and/or Clerk are hereby authorized and directed to sign and execute the Certificate of Approval and Municipal or Expropriation

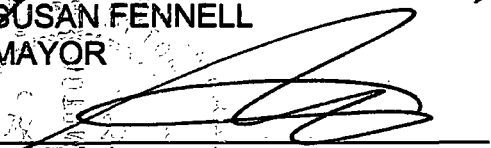
Certificate, as the case may be, on the expropriation plans and all other notices and documents which are necessary to carry out the provisions of this by-law.

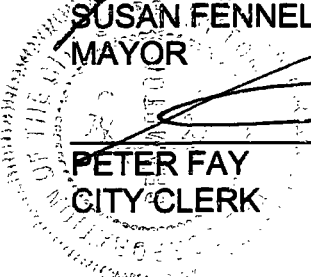
4. That a Plan of Expropriation be prepared and registered in the proper land registry office with respect to the Lands described in Schedule "C".
5. That a Notice of Expropriation be served upon the registered owners together with a copy of the Expropriation Plan and a Notice of Election, relating to the date of assessment of compensation.
6. That an appraisal report estimating the market value of the Lands be obtained from an accredited appraiser.
7. That an offer of an amount in full compensation for the registered owner's interest in the Lands, and an offer for immediate payment of 100% of market value as estimated by the expropriating authority, all in accordance with s. 25 of the Act, be served, together with a copy of the appraisal report on which the offer of compensation is based.
8. That a Notice of Possession be served requiring possession of the Lands at least three months after the date of service of said notice.
9. That The Corporation of the City of Brampton is hereby authorized to enter and take possession of the expropriated Lands on the day permitted under the Act, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and The Corporation of the City of Brampton.
10. That the staff and authorized representatives of The Corporation of the City of Brampton are authorized and directed to do all things required arising from the authorizations provided for by this By-law.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY, MARCH, 2009.




SUSAN FENNEL
MAYOR


PETER FAY
CITY CLERK



SCHEDULE "A" TO BY-LAW 82-2009

In the City of Brampton, Regional Municipality of Peel described as follows:

1. Part of PIN 14125-0022 (LT)

A fee simple interest in Part of Lots 20 and 21, Wellington Block, on Plan BR-5 designated as Part 2 on Plan 43R-32593.

A 2 year temporary easement in Part of Lots 20 and 21, Wellington Block, on Plan BR-5 designated as Part 1 on Plan 43R-32593.

2. Part of PIN 14033-0210 (LT)

A fee simple interest in Part of Lot 7 on Plan 322 designated as Part 37 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 7 on Plan 322 designated as Part 38 on Plan 43R-32593.

IN THE MATTER OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE
LAND BEING THE LANDS DESCRIBED IN SCHEDULE "A" TO THIS BYLAW

Reasons for the Decision to Approve the Expropriation

After considering the decision of Inquiry Officer Gillian Burton dated February 20, 2009 from the inquiry relating to the proposed taking, the Council of the Corporation of the City of Brampton agrees that the expropriation of the Inquiry Lands set out in Schedule "A" is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority for the following reasons:

- (a) residential population and increased commercial, retail and other employment increases in the City are expected to create increased traffic demands along Queen Street East;
- (b) traffic operations along Queen Street East are approaching capacity in the peak hours;
- (c) based on existing and future traffic demands, to meet acceptable levels of service along Queen Street East between Centre Street and Kennedy Road the curb lanes should be widened;
- (d) various alternatives to accomplish the objectives herein have been considered in the ESR, and the lands required are necessary to implement the recommendations outlined in the ESR;
- (e) localized reconstruction and resurfacing will not alone improve traffic capacity, nor would this adequately address safety issues;
- (f) the lack of other major east-west roads with commercial frontage and mid-block north-south collector roads causes Queen Street East to function as a collector distributor road and a road for local access;
- (g) diverting traffic to other roads will not eliminate the need to widen Queen Street East to accommodate traffic demands associated with growth and development and will not be an effective means of serving commuter traffic volumes;
- (h) increased congestion will cause overflow onto adjacent roadways causing increased driver frustration and worsen air quality;
- (i) widening Queen Street East will improve traffic safety while minimizing impacts on adjacent properties;
- (j) increased traffic volumes and congestion will result in lower traffic speeds and reliability;
- (k) existing boulevard infrastructure provides limited pedestrian separation and security from the travelled portion of the road right-of-way;
- (l) Queen Street East has no cycling facilities;
- (m) safety conditions, transit service reliability and roadway capacity will deteriorate without transportation improvements;
- (n) Improvements to City infrastructure including municipal parking and improved transit are needed to support municipal land use and development objectives.

In the City of Brampton, Regional Municipality of Peel described as follows:

1. Part of PIN 14125-0065 (LT)

A fee simple interest in Part of Lots 10 and 11, Wellington Block, on Plan BR-5 designated as Parts 2 and 4 on Plan 43R-32594.

2. Part of PIN 14034-0001 (LT)

A fee simple interest in Part of Lots 11, 12, 13, 39, 40 and 41, Railway Block, on Plan BR-5 designated as Part 12 on Plan 43R-32594.

A 2 year temporary easement in Part of Lots 12 and 13, Railway Block, on Plan BR-5 designated as Part 13 on Plan 43R-32594.

3. Part of PIN 14125-0064 (LT)

A fee simple interest in Part of Lots 12, 13, 14, 15, 16 and 17, Wellington Block, on Plan BR-5 designated as Part 6 on Plan 43R-32594.

4. Part of PIN 14034-0005 (LT)

A fee simple interest in Part of Lots 15 and 16, Railway Block, on Plan BR-5 designated as Part 14 on Plan 43R-32594.

A 2 year temporary easement in Part of Lots 15 and 16, Railway Block, on Plan BR-5 designated as Part 15 on Plan 43R-32594.

5. Part of PIN 14034-0069 (LT)

A fee simple interest in Part of Lot 18, Railway Block, on Plan BR-5 designated as Part 17 on Plan 43R-32594.

6. Part of PIN 14125-0063 (LT)

A fee simple interest in Part of Lot 18, Wellington Block, on Plan BR-5 designated as Part 8 on Plan 43R-32594.

A 2 year temporary easement in Part of Lot 18, Wellington Block, on Plan BR-5 designated as Part 7 on Plan 43R-32594.

7. Part of PIN 14125-0062 (LT)

A fee simple interest in Part of Lot 19, Wellington Block, on Plan BR-5 designated as Part 10 on Plan 43R-32594.

A 2 year temporary easement in Part of Lot 19, Wellington Block, on Plan BR-5 designated as Part 9 on Plan 43R-32594.

8. Part of PIN14125-0022 (LT)

A fee simple interest in Part of Lots 20 and 21, Wellington Block, on Plan BR-5 designated as Part 2 on Plan 43R-32593.

A 2 year temporary easement in Part of Lots 20 and 21, Wellington Block, on Plan BR-5 designated as Part 1 on Plan 43R-32593.

9. Part of PIN 14125-0021 (LT)

A 2 year temporary easement in Part of Lots 21 and 22, Wellington Block, on Plan BR-5 and Part of Lots 22 and 23, Block C, on Plan BR-13 designated as Part 3 on Plan 43R-32593.

10. Part of PIN 14034-0009 (LT)

A fee simple interest in Part of Lots 23, 24 and 26, Railway Block, on Plan BR-5 designated as Parts 18 and 22 on Plan 43R-32593.

A 2 year temporary easement in Part of Lots 23 and 24, Railway Block, on Plan BR-5 designated as Part 19 on Plan 43R-32593.

11. Part of PIN 14034-0010 (LT)

A fee simple interest in Part of Lot 25, Railway Block, on Plan BR-5 designated as Part 20 on Plan 43R-32593.

12. Part of PIN 14125-0020 (LT)

A fee simple interest in Part of Lots 23 and 24, Block C, on Plan BR-13 designated as Part 5 on Plan 43R-32593.

13. Part of PIN 14125-0018 (LT)

A fee simple interest in Part of Lots 24 and 25, Block C, on Plan BR-13 designated as Part 7 on Plan 43R-32593.

A 2 year temporary easement in Part of Lots 24 and 25, Block C, on Plan BR-13 designated as Part 6 on Plan 43R-32593.

14. Part of PIN 14125-0017 (LT)

A fee simple interest in Part of Lots 26 and 27, Block C, on Plan BR-13 designated as Part 9 on Plan 43R-32593.

15. Part of PIN 14125-0016 (LT)

A fee simple interest in Part of Lots 27 and 28, Block C, on Plan BR-13 designated as Part 11 on Plan 43R-32593.

A 2 year temporary easement in Part of Lots 27 and 28, Block C, on Plan BR-13 designated as Part 10 on Plan 43R-32593.

16. Part of PIN 14033-0001 (LT)

A fee simple interest in Part of Lot 27, Railway Block, on Plan BR-5 designated as Part 23 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 27, Railway Block, on Plan BR-5 designated as Part 24 on Plan 43R-32593.

17. Part of PIN 14033-0003 (LT)

A fee simple interest in Part of Lot 1 on Plan 322 designated as Part 27 on Plan 43R-32593.

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18. Part of PIN 14033-0004 (LT)³

A fee simple interest in Part of Lots 2 and 3 on Plan 322 designated as Part 29 on Plan 43R-32593.

19. Part of PIN 14033-0096 (LT)

A fee simple interest in Part of Lot 4 on Plan 322 designated as Part 31 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 4, on Plan 322 designated as Part 32 on Plan 43R-32593.

20. Part of PIN 14033-0208 (LT)

A fee simple interest in Part of Lot 5 on Plan 322 designated as Part 33 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 5, on Plan 322 designated as Part 34 on Plan 43R-32593.

21. Part of PIN 14033-0209 (LT)

A fee simple interest in Part of Lot 6 on Plan 322 designated as Part 35 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 6 on Plan 322 designated as Part 36 on Plan 43R-32593.

22. Part of PIN 14033-0210 (LT)

A fee simple interest in Part of Lot 7 on Plan 322 designated as Part 37 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 7 on Plan 322 designated as Part 38 on Plan 43R-32593.

23. Part of PIN 14033-0207 (LT)

A fee simple interest in Part of Lot 8 on Plan 322 designated as Part 39 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 8 on Plan 322 designated as Part 40 on Plan 43R-32593.

24. Part of PIN 14135-0093 (LT)

A fee simple interest in Part of Lots 12, 13 and 14, Block E, on Plan BR-13 designated as Part 14 on Plan 43R-32593.

A 2 year temporary easement in Part of Lots 12, 13 and 14, Block E, on Plan BR-13 designated as Part 13 on Plan 43R-32593.

25. Part of PIN 14135-0095 (LT)

A fee simple interest in Part of Lot 15, Block E, on Plan BR-13 designated as Part 17 on Plan 43R-32593.

A 2 year temporary easement in Part of Lot 15, Block E, on Plan BR-13 designated as Part 16 on Plan 43R-32593.

26. Part of PIN 14135-0126 (LT)

A fee simple interest in Part of Lots 16, 17 and 18, Block E, on Plan BR-13 designated as Parts 1 and 3 on Plan 43R-32592.

A 2 year temporary easement in Part of Lots 16, 17 and 18, Block E, on Plan BR-13 designated as Part 2 on Plan 43R-32592.

27. Part of PIN 14033-0025 (LT)

A fee simple interest in Part of Lot 5, Concession 1, East of Hurontario Street, former Township of Chinguacousy designated as Part 13 on Plan 43R-32592.

28. Part of PIN 14135-0125 (LT)

A fee simple interest in Part of Lot 20, Block E, on Plan BR-13 designated as Part 5 on Plan 43R-32592.

A 2 year temporary easement in Part of Lots 18, 19 and 20, Block E on Plan BR-13 designated as Part 4 on Plan 43R-32592.

29. Part of PIN 14032-0119 (LT)

A fee simple interest in Part of Block A on Plan 518 designated as Parts 14, 15 and 17 on Plan 43R-32592.

A 2 year temporary easement in Part of Block A on Plan 518 designated as Parts 16 and 18 on Plan 43R-32592.

30. Part of PIN 14032-0152 (LT)

A 2 year temporary easement in Part of Block J on Plan 518 designated as Part 7 on Plan 43R-32596.

31. Part of PIN 14136-0019 (LT)

A fee simple interest in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Parts 1 and 3 on Plan 43R-32596.

A 2 year temporary easement in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 2 on Plan 43R-32596.

32. Part of PIN 14137-0246 (LT)

A fee simple interest in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 4 on Plan 43R-32596.

A 2 year temporary easement in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy and Part of Block N on Plan 889 designated as Parts 5 and 12 on Plan 43R-32596.

33. Part of PIN 14032-0055 (LT)

A fee simple interest in Part of Lot 5, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Parts 10 and 11 on Plan 43R-32595.

A 2 year temporary easement in Part of Lot 5, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 8, 9 and 12 on Plan 43R-32595.

34. Part of PIN 14137-0243 (LT)

A fee simple interest in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 3 on Plan 43R-32595.

A 2 year temporary easement in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 2 on Plan 43R-32595.

35. Part of PIN 14032-0333 (LT)

A 2 year temporary easement in Part of Lot 5, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 13 on Plan 43R-32595.

36. Part of PIN 14137-0242 (LT)

A fee simple interest in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 5 on Plan 43R-32595.

A 2 year temporary easement in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 4 on Plan 43R-32595.

37. Part of PIN 14032-0063 (R)

A fee simple interest in Part of Lot 1 on Plan 644 designated as Part 18 on Plan 43R-32595.

38. Part of PIN 14147-0607 (LT)

A fee simple interest in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 6 on Plan 43R-32595.

39. Part of PIN 14032-0139 (LT)

A fee simple interest in Part of Lot 5, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 20 on Plan 43R-32595.

A 2 year temporary easement in Part of Lot 5, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Parts 19 and 21 on Plan 43R-32595.

40. Part of PIN 14136-0015 (LT)

A fee simple interest in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 5 on Plan 43R-32591.

A 2 year temporary easement in Part of Lot 6, Concession 2, East of Hurontario Street, former Township of Chinguacousy designated as Part 4 on Plan 43R-32591.

41. Part of PIN 14032-0069 (LT)

A fee simple interest in Part of Lot 1 on Plan 644 designated as Parts 14 and 15 on Plan 43R-32595.

A 2 year temporary easement in Part of Lot 1 on Plan 644 designated as Parts 16 and 17 on Plan 43R-32595.

42. Part of PIN 14135-0124 (LT)

A fee simple interest in Part of Lots 9 and 20, Block E on Plan BR-13 designated as Part 6 on Plan 43R-32592.