



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 228-89

To authorize the expropriation of certain lands in the City of Brampton (part of Lot 9, Concession 5, East of Hurontario Street)


WHEREAS it is the intention of The Corporation of the City of Brampton, as expropriating authority, to expropriate the part of the lands described in Schedule A hereto shown on the sketch attached as Schedule B hereto, for the purposes of public open space (parkland) and a road widening;

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

1. The expropriation of the part of the lands described in Schedule A attached hereto shown on the sketch attached as Schedule B hereto, is hereby authorized;
2. The Clerk is hereby authorized to sign notices and advertisements on behalf of The Corporation of the City of Brampton as required by the Expropriations Act, (R.S.O. 1980, C.148, as amended).

READ a FIRST, SECOND, and THIRD TIME, and

PASSED in Open Council this 23rd day of AUGUST, 1989.


SUSAN FENNELL ACTING MAYOR


LEONARD J. MIKULICH CLERK

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON
WCC
DATE 8/23/89

SCHEDULE A TO BY-LAW NO. 228-89

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, in the Regional Municipality of Peel, (formerly in the Township of Chinguacousy, in the County of Peel), and Province of Ontario and being composed of part of Lot Number 9, in the Fifth Concession, East of Hurontario Street in the said former Township, the limit of which said parcel of land may be more particularly described as follows:

PREMISING that the Southwest limit of Lot Number 9, in Concession 5, East of Hurontario Street, has an assumed bearing of North 44 degrees 17 minutes 30 seconds West in accordance with a plan of survey by J.D. Barnes, Ontario Land Surveyor, dated February 28, 1966, and relating all bearings herein thereto;

COMMENCING at a point which may be located as follows:

BEGINNING at a point in the said Southwest limit of Lot Number 9 distant 290.78 feet measured on a bearing of South 44 degrees 17 minutes 30 seconds East along the Southwest limit of Lot Number 9 from the most westerly angle thereof;

THENCE North 66 degrees 01 minutes East a distance of 18.12 feet to a survey monument marking the point of commencement and which said survey monument also marks a point in a line drawn parallel to the said Southwest limit of Lot Number 9 and distant 17 feet measured Northeasterly therefrom and at right angles thereto;

THENCE South 44 degrees 17 minutes 30 seconds East along the last mentioned parallel line a distance of 100 feet to a survey monument;

THENCE North 66 degrees 01 minutes East along the line of a post and wire fence a distance of 221.88 feet;

THENCE North 23 degrees 59 minutes West a distance of 93.75 feet;

THENCE South 66 degrees 01 minutes West a distance of 256.53 feet to the point of commencement.

Containing by admeasurement an area of 0.515 acres, be the same more or less.

The herein described parcel of land is further shown outlined on a plan of survey prepared by R.R. Scott, Ontario Land Surveyor dated July 2, 1969, and attached to Instrument Number 30702.

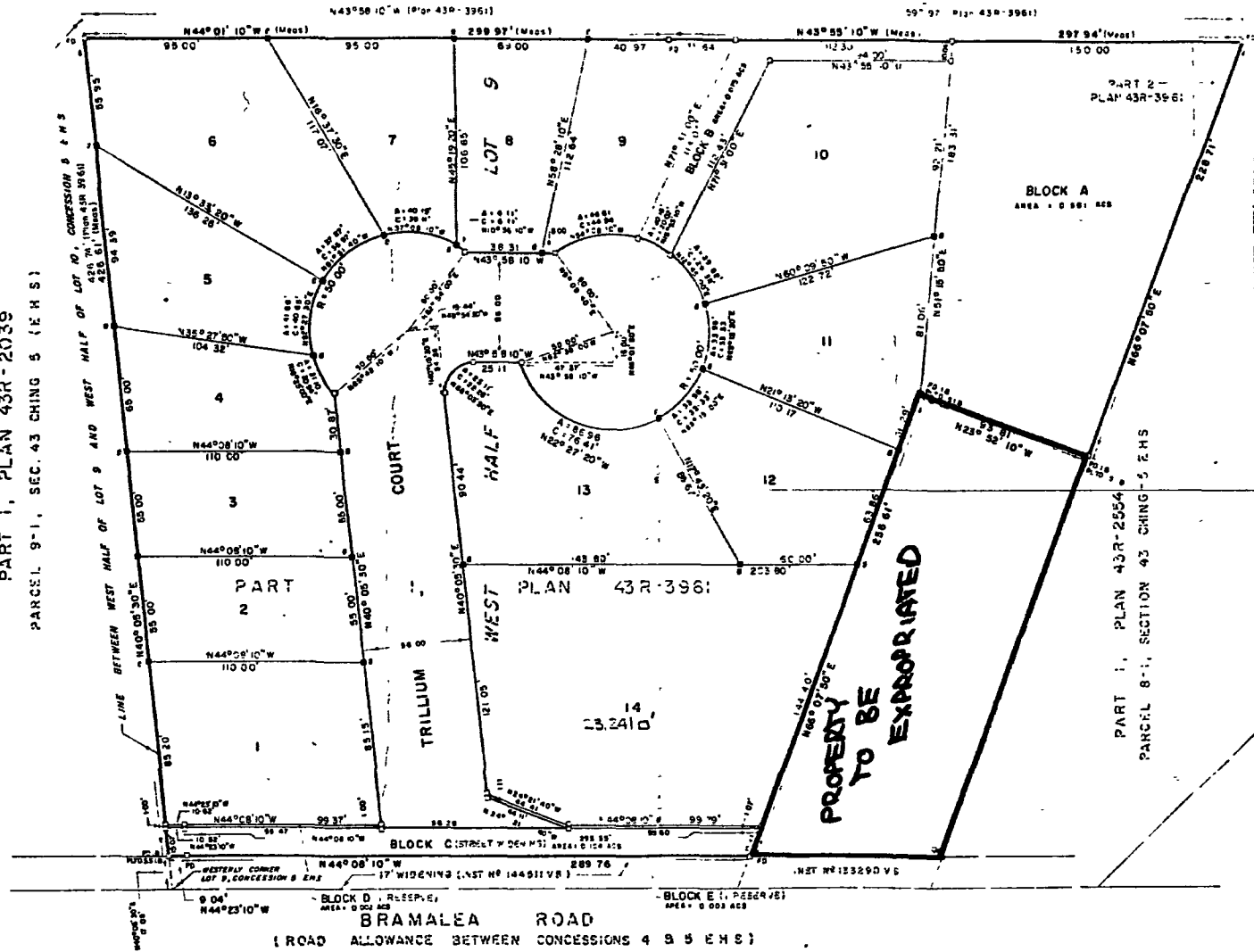
As described in Instrument No. 790605.

SCHEDULE B TO BY-LAW 228-89

WEST HALF LOT 10, CONCESSION 5 E.H.S.

PART I, PLAN 43R-2039

PARCEL 9-1, SEC. 43 CHING 5 (E.H.S.)



PLAN OF SUBDIVISION OF
 PART OF THE WEST HALF OF LOT 9
 CONCESSION 5
 EAST OF HURONTARIO STREET
 TOWNSHIP OF CHINGUACOUSH
 COUNTY OF PEELE
 NOW IN THE
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEELE

SCALE 1 INCH = 40 FEET
 W.M. FENTON O.L.S. - 1977

NOTES

BEARINGS HEREIN ARE ASTRONOMIC, DERIVED FROM THE
 NORTHEASTERLY LIMIT OF PART I, PLAN 43R-3561 SHOWN AS
 N43°58'10" E

- ALL MARKING LINES SHOWN ON THIS PLAN HAVE BEEN VERIFIED
- DENOTES 1" SQ. 4" LONG STANDARD IRON BAR PLANTED
 - SS 8 DENOTES 1" SQ. SHORT STANDARD IRON BAR - 2" LONG
 - DENOTES 1/2" SQ. 2' LONG IRON BAR PLANTED
 - DENOTES 1/4" ROUND, 2' LONG IRON BAR PLANTED
 - WIT DENOTES WITNESS
 - FD DENOTES 5" DIAM. MONUMENT FOUND
 - EWS DENOTES EAST OF HURONTARIO STREET

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY:

- THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
- THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN
- THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY
- THAT THE SURVEY WAS COMPLETED ON THE 25th DAY OF MAY 1977

JUNE 25, 1977
 DATE

W.M. Fenton
 W.M. FENTON
 Ontario Land Surveyor

OWNER'S CERTIFICATE

LOTS 1 TO 14, BOTH INCLUSIVE, BLOCKS A AND B THE STREET, NAMELY TRILLIUM COURT, THE STREET WIDENING NAMELY BLOCK C AND THE 17' PRESERVES NAMELY BLOCKS D AND E, AS DESIGNATED WITHIN THE AREA OF SURVEY WITHINED HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR INSTRUCTIONS AND THE STREET AND STREET WIDENING ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS

PARK PLACE DEVELOPMENTS LTD

Campbell President
R.J. Stoltz President
Campbell Secretary

J. D. BARNES LIMITED, Survey

Geodetic, Geodetic, Photogrammetric and Engineering Surveys
 TORONTO BRAMPTON OTTAWA

8th DIV. 117



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 228-89

To authorize the expropriation of certain lands in the City of Brampton (part of Lot 9, Concession 5, East of Hurontario Street)

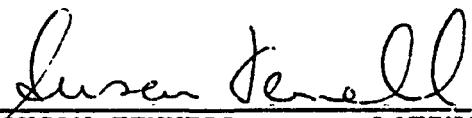
WHEREAS it is the intention of The Corporation of the City of Brampton, as expropriating authority, to expropriate the part of the lands described in Schedule A hereto shown on the sketch attached as Schedule B hereto, for the purposes of public open space (parkland) and a road widening;

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

1. The expropriation of the part of the lands described in Schedule A attached hereto shown on the sketch attached as Schedule B hereto, is hereby authorized;
2. The Clerk is hereby authorized to sign notices and advertisements on behalf of The Corporation of the City of Brampton as required by the Expropriations Act, (R.S.O. 1980, C.148, as amended).

READ a FIRST, SECOND, and THIRD TIME, and

PASSED in Open Council this 23rd day of AUGUST, 1989.



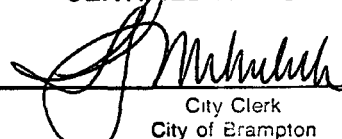
 SUSAN FENNELL ACTING MAYOR



 LEONARD J. MIKULICH CLERK

FILED
 23 AUG 1989
 CLERK
 BRAMPTON
 DATE 23/8/89

CERTIFIED A TRUE COPY



 City Clerk
 City of Brampton

MAR 06 1990

SCHEDULE A TO BY-LAW NO. 228-89

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, in the Regional Municipality of Peel, (formerly in the Township of Chinguacousy, in the County of Peel), and Province of Ontario and being composed of part of Lot Number 9, in the Fifth Concession, East of Hurontario Street in the said former Township, the limit of which said parcel of land may be more particularly described as follows:

PREMISING that the Southwest limit of Lot Number 9, in Concession 5, East of Hurontario Street, has an assumed bearing of North 44 degrees 17 minutes 30 seconds West in accordance with a plan of survey by J.D. Barnes, Ontario Land Surveyor, dated February 28, 1966, and relating all bearings herein thereto;

COMMENCING at a point which may be located as follows:

BEGINNING at a point in the said Southwest limit of Lot Number 9 distant 290.78 feet measured on a bearing of South 44 degrees 17 minutes 30 seconds East along the Southwest limit of Lot Number 9 from the most westerly angle thereof;

THENCE North 66 degrees 01 minutes East a distance of 18.12 feet to a survey monument marking the point of commencement and which said survey monument also marks a point in a line drawn parallel to the said Southwest limit of Lot Number 9 and distant 17 feet measured Northeasterly therefrom and at right angles thereto;

THENCE South 44 degrees 17 minutes 30 seconds East along the last mentioned parallel line a distance of 100 feet to a survey monument;

THENCE North 66 degrees 01 minutes East along the line of a post and wire fence a distance of 221.88 feet;

THENCE North 23 degrees 59 minutes West a distance of 93.75 feet;

THENCE South 66 degrees 01 minutes West a distance of 256.53 feet to the point of commencement.

Containing by admeasurement an area of 0.515 acres, be the same more or less.

The herein described parcel of land is further shown outlined on a plan of survey prepared by R.R. Scott, Ontario Land Surveyor dated July 2, 1969, and attached to Instrument Number 30702.

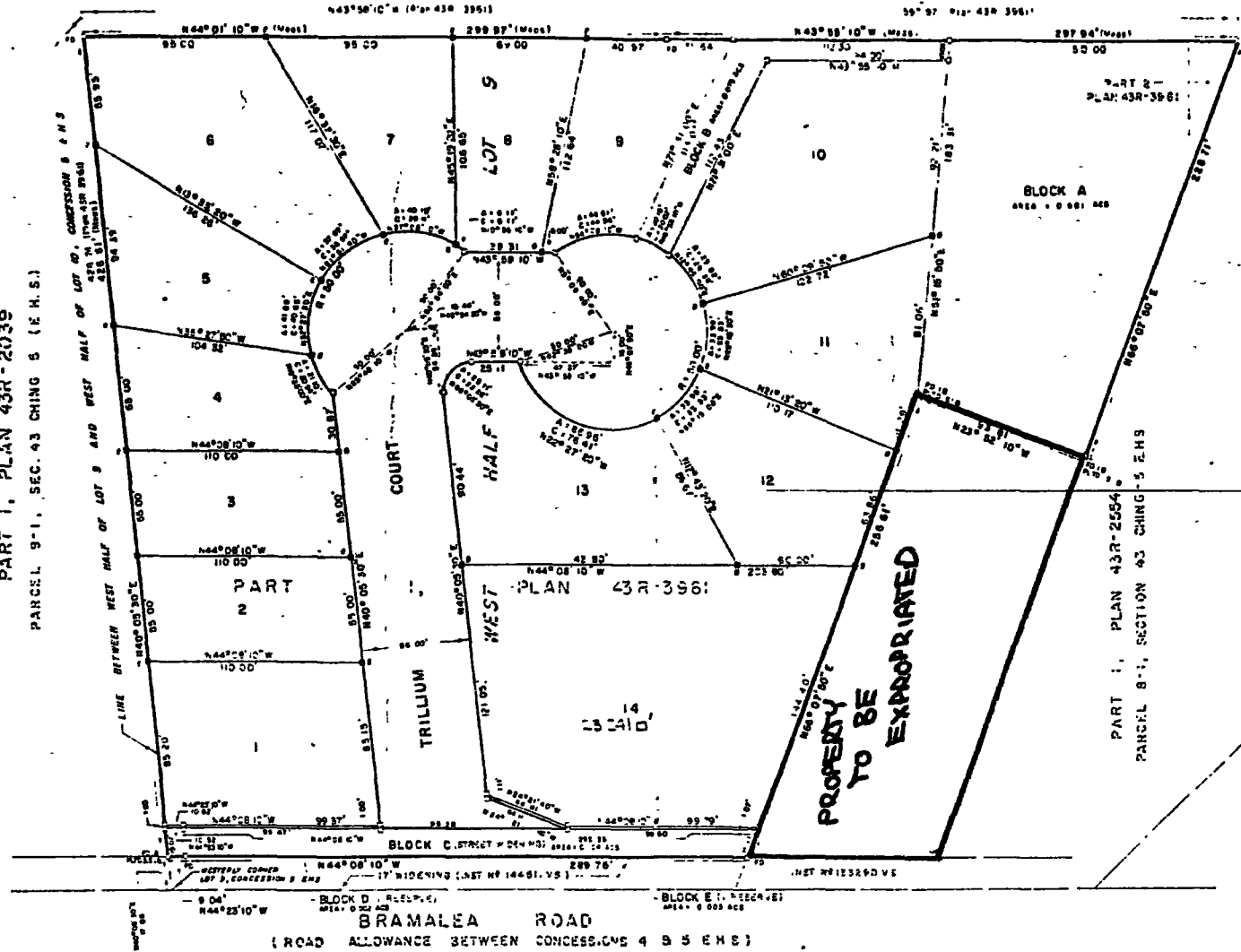
As described in Instrument No. 790605.

SCHEDULE B TO BY-LAW 228-89

WEST HALF LOT 10, CONCESSION 5 E.H.S.

PART 1, PLAN 43R-2039

PANSEL 9-1, SEC. 43 CHING 5 (E.H.S.)



PROPERTY TO BE EXPROPRIATED

PLAN OF SUBDIVISION OF
 PART OF THE WEST HALF OF LOT 9
 CONCESSION 5
 EAST OF HURONTARIO STREET
 TOWNSHIP OF CHINGUACOUSHY
 COUNTY OF PEEL
 NOW IN THE
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEEL
 SCALE 1 INCH = 40 FEET
 W.M. FENTON O.L.S. - 577

NOTES
 BEARINGS - GREEN ARE ASTROMON'S; DERIVED FROM THE
 NORTH-EASTERN CORNER OF PART 1, PLAN 43R-2039 SHOWN AS
 N43°58'10"W

ALL HAVING LINES SHOWN ON THIS PLAN HAVE BEEN VERIFIED
 O DENOTES 1/2" x 4" LONG STANDARD IRON BAR PLANTED
 O S S DENOTES 1/2" x 2" SHORT STANDARD IRON BAR - 2' LONG
 B DENOTES 1/2" x 2" x 2" LONG IRON BAR PLANTED
 B S DENOTES 1/2" x 2" x 2" LONG IRON BAR PLANTED
 W DENOTES WITNESS
 W S DENOTES SURVEY MONUMENT FOUND
 E.H.S. DENOTES EAST OF HURONTARIO STREET

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY
 1 THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS
 MADE THEREUNDER
 2 THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY
 REPRESENTED BY THIS PLAN
 3 THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY
 4 THAT THE SURVEY WAS COMPLETED ON THE 27th DAY OF MAY 1977

DATE 20th May 1977
 W.M. FENTON
 Ontario Land Surveyor

OWNER'S CERTIFICATE
 LOTS 1 TO 14, BOTH INCLUSIVE, BLOCKS A AND B
 THE STREET NAMED TRILLIUM COURT AND THE
 STREET NAMED WEST HURONTARIO STREET AND THE
 STREET NAMED BLOCK C AND THE
 STREET NAMED BLOCK D AND E, AS DESIGNATED
 WITHIN THE AREA OF SURVEY OUTLINED HAVE BEEN
 Laid out in accordance with our instructions
 AND THE STREET AND STREET SCHEDULES ARE
 HEREBY DEDICATED AS PUBLIC HIGHWAYS
 PARK PLACE DEVELOPMENTS LTD

R.G. Stoltz
 R.G. Stoltz
 R.G. Stoltz

J. D. BARNES LIMITED, Surveyors
 874
 0V. 77
 Geomatics, Geographic, Photogrammetric and Engineering Surveyors
 TORONTO BRAMPTON

THE EXPROPRIATIONS ACT

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

IN THE MATTER OF an application by The Corporation of the City of Brampton for approval to expropriate land, being part of Lot 9, Concession 5, East of Hurontario Street, in the City of Brampton, Regional Municipality of Peel, for public open space (parkland) and a road widening.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, in the Regional Municipality of Peel, (formerly in the Township of Chinguacousy, in the County of Peel), and Province of Ontario and being composed of part of Lot Number 9, in the Fifth Concession, East of Hurontario Street in the said former Township, the limit of which said parcel of land may be more particularly described as follows:

PREMISING that the Southwest limit of Lot Number 9, in Concession 5, East of Hurontario Street, has an assumed bearing of North 44 degrees 17 minutes 30 seconds West in accordance with a plan of survey by J.D. Barnes, Ontario Land Surveyor, dated February 28, 1966, and relating all bearings herein thereto;

COMMENCING at a point which may be located as follows:

BEGINNING at a point in the said Southwest limit of Lot Number 9 distant 290.78 feet measured on a bearing of South 44 degrees 17 minutes 30 seconds East along the Southwest limit of Lot Number 9 from the most westerly angle thereof;

THENCE North 66 degrees 01 minutes East a distance of 18.12 feet to a survey monument marking the point of commencement and which said survey monument also marks a point in a line drawn parallel to the said Southwest limit of Lot Number 9 and distant 17 feet measured Northeasterly therefrom and at right angles thereto;

THENCE South 44 degrees 17 minutes 30 seconds East along the last mentioned parallel line a distance of 100 feet to a survey monument;

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THENCE North 23 degrees 59 minutes West a distance of 93.75 feet;

THENCE South 66 degrees 01 minutes West a distance of 256.53 feet to the point of commencement.

Containing by admeasurement an area of 0.515 acres, be the same more or less.

The herein described parcel of land is further shown outlined on a plan of survey prepared by R.R. Scott, Ontario Land Surveyor dated July 2, 1969, and attached to Instrument Number 30702.

As described in Instrument No. 790605.

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- (a) in the case of a registered owner, served personally or by registered mail within thirty days after the first publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is the Council of The Corporation of the City of Brampton, 150 Central Park Drive, Brampton, Ontario, L6T 2T9.

DATED AT BRAMPTON this 15th day of October, 1989.

THE CORPORATION OF THE CITY OF
BRAMPTON



Leonard J. Mikulich, Clerk

NOTES:

1. The Expropriations Act provides that,
 - (a) where an inquiry is requested, it shall be conducted by an inquiry officer appointed by the Minister of Justice and Attorney General;
 - (b) the inquiry officer,
 - (i) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent, and
 - (ii) may recommend to the approving authority that a party to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approving authority may in its discretion order the expropriation authority to pay such costs forthwith.

2. "owner" and "registered owner" are defined in the Act as follows:

"owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

"registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;

3. The expropriating authority, each owner who notifies the approving authority that he desires a hearing in respect of the land intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

This notice first published on the 25th day of October, 1989.

THE EXPROPRIATIONS ACT

IN THE MATTER OF an application by The Corporation of the City of Brampton to expropriate land, being Part of Lot 9, East of Hurontario Street in the City of Brampton, in the Regional Municipality of Peel, known municipally as 9801 Bramalea Road, for public open space (parkland) and a road widening


REASONS FOR DECISION

The Council for The Corporation of the City of Brampton, as approving authority, has received and considered the report of the Inquiry Officer, Harold S. Goldkind, Q.C., in respect of the hearing held March 7, 1990 as to whether the proposed expropriation by The Corporation of the City of Brampton was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority. Council is in agreement with the conclusion and findings contained in the report and will approve the expropriation for the following reasons:


1. The lands shown as Part 1 on the draft expropriation plan prepared by Duncan Ashworth Surveying Ltd., reference number 645-89 are required for a road widening of Bramalea Road so that the width of the road allowance for Bramalea Road is consistent with the width for the road allowance immediately to the north of the subject lands.
2. The lands shown as Part 2 on the draft expropriation plan are covered in a large part with mature trees and is composed of a natural ravine forming part of the Mimico Creek valley lands.
3. The subject lands are a natural extension of the adjacent woodlot park and ravine to the east owned by The Corporation of the City of Brampton.
4. The most secure way of preserving the trees and ravine on the subject property is by The Corporation of the City of Brampton acquiring the subject property, thereby enabling the community to benefit from, and pay for, the subject lands as additional parkland.
5. The registered owner, Carmela Serafino, is hereby awarded costs of \$200.00.

DATED at Brampton this 28th day of May, 1990.

THE CORPORATION OF THE CITY OF
BRAMPTON (Approving Authority)


KENNETH G. WHILLANS

MAYOR


LEONARD J. MIKULICH

CLERK