

Authority: Item CC38.5, as adopted by City of Toronto Council on August 5 and 6, 2009
Enacted by Council: August 6, 2009

CITY OF TORONTO

BY-LAW No. 699-2009

To expropriate land and certain interests in land for or in connection with the construction of an interim re-alignment of the rail corridor on the north side of Sheppard Avenue in conjunction with the building of the grade separation at the Agincourt GO Station.

WHEREAS in accordance with the provisions of the *Expropriations Act*, applications have been submitted to the Council of the City of Toronto (“City Council”) as approving authority for approval to expropriate the interests in land for a limited time as described in section 2; and

WHEREAS Notices of such Applications have been published and have been served on the registered owners of the said lands and interest in land; and

WHEREAS a notice in writing of a desire for a hearing with respect to the said proposed expropriations was not received from any owner of the said lands and interest in land and the time for giving such notice has expired; and

WHEREAS the City Council, as approving authority, adopted CC38.5 Government Management Committee Item GM24.24, at its meeting on August 5 and 6, 2009, and thereby approved the said Applications for Approval to Expropriate and gave leave to introduce and enact this by-law; and

WHEREAS the City of Toronto by the adoption of CC38.5 Government Management Committee Item GM24.24, has been authorized as expropriating authority, to proceed with the expropriation of the interests in land for a limited time as described in section 2;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The expropriation of limited interest in the land municipally known as 8 Agincourt Drive Toronto, (the “Lands”), as set forth in section 2, is hereby authorized by Council as the expropriating authority, pursuant to sections 7, 8 and 9 of the *City of Toronto Act*, 2006 S.O. 2006 Chapter 11, Schedule A.
2. The expropriation of a limited estate in land being a temporary easement, for a limited time for the purpose of constructing a temporary re-alignment of the rail corridor on the north side of Sheppard Avenue East in conjunction with the building of a grade separation at the Agincourt GO station and for all works and uses ancillary thereto on a portion of the “Lands”, including the right to pass over and occupy the Lands with all personnel, materials and equipment, for said purposes for a period of two (2) years from the date of expropriation, the said portion of the Lands being described as:

Part of PIN 06104-0004 (LT), being part of Lot 2, on Plan 1909, designated as Part 3 on a draft Plan of Survey identified as Job Number 2008-0842, Plan Number 1

3. Authority is hereby granted for the signing, sealing and registration in the proper Land Registry Office of the expropriation plan(s) of the lands and interest in land expropriated pursuant to section 2 hereof, including the payment of all expenses incidental thereto.
4. The Executive Director of Facilities and Real Estate or the Director of Real Estate Services is hereby authorized to sign and serve on the former registered owners of the lands and interest in land described in section 2 hereof, the Notices of Expropriation (along with copies of Notices of Election as to a Date for Compensation) and the Notices of Possession as contemplated by the *Expropriations Act*.
5. The Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to this by-law and the City Clerk and the Chief Financial Officer and Treasurer are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the corporate seal of the City to all such documents.

ENACTED AND PASSED this 6th day of August, A.D. 2009.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)