

By-Law Number _____

A By-Law to provide for the assumption of the public highways in King's Landing Subdivision Phase 4, Registered Plan 13M-80, in the City of Kingston, in accordance with section 31(4) of the Municipal Act, chapter 25, S.O. 2001; and to provide for the acceptance by the City of Kingston, of the associated public works within.

PASSED: _____, 2019

Whereas the owner, Braebury Homes Corporation, entered into a Subdivision Agreement with the City of Kingston for King's Landing Subdivision Phase 4, registered as Instrument number FC85971 on December 22, 2009; and

Whereas the owner, Braebury Homes Corporation, has completed the construction of the associated public works for King's Landing Subdivision Phase 4, Registered Plan 13M-80, based on the subdivision agreement dated December 22, 2009 including the streets and the appurtenances thereto in accordance with the terms of the subdivision agreement and any subsequent amendments thereto; and

Whereas the subdivision agreement provides for acceptance of these works in whole or in part by the Municipality upon satisfactory completion subject to certain provisions for maintenance as laid out in the subdivision agreement; and

Whereas the streets in King's Landing Subdivision Phase 4 as shown on Registered Plan 13M-80 are dedicated as public highways and are now vested in the City of Kingston; and

Whereas Section 31, Chapter M45 of the Municipal Act, R.S.O. 2001 provides for the assumption of public highways.

Now Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. That Council authorize the Director of the Engineering Department to issue a "Preliminary Certificate of Approval of the Works" to accept the associated public works which service King's Landing Subdivision Phase 4, Registered Plan 13M-80.

2. That part of Atkinson Street, Providence Crescent, Monaco Court and Delmar Street, as established as a public highway in King's Landing Subdivision Phase 4, Registered Plan 13M-80 be assumed by the Municipality under Section 31(4), of the Municipal Act, Chapter 25, S.O. 2001.

GIVEN FIRST AND SECOND READINGS _____, 2019

GIVEN THIRD READING AND PASSED _____, 2019

CITY CLERK

MAYOR

By-Law Number xxxxxx

A By-Law to establish Parts 2, 3 and 4 on reference plan 13R-21909, as part of the public highway known as Hughes Road in the City of Kingston, in accordance with Section 31(4) of the Municipal Act, Chapter 25, S.O. 2001

Passed: xxxxxx

Whereas Section 31, of the Municipal Act, Chapter 25, S.O. 2001, as amended, provides for the establishing and laying out of the lands as public highways;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That the lands designated as Parts 2, 3 and 4 on reference plan 13R-21909, as part of the public highway known as Hughes Road in the City of Kingston in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001, as amended.
2. This By-Law shall come into force and take effect on the date of its passing.

Given First and Second Readings xxxxxx

Given Third Reading and Passed xxxxxx

John Bolognone
City Clerk

Bryan Paterson
Mayor

NORTH →

Rideau Canal



PARTS 2, 3 AND 4
PLAN 13R-21909

LOCATION MAP

By-Law Number xxxxxx

A By-Law to establish Blocks 20, 21 and 23, Registered Plan 1949, as part of the public highway known as Select Drive in the City of Kingston, in accordance with Section 31(4) of the Municipal Act, Chapter 25, S.O. 2001

Passed: xxxxxxx

Whereas Section 31, of the Municipal Act, Chapter 25, S.O. 2001, as amended, provides for the establishing and laying out of the lands as public highways;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That the lands designated as Blocks 20, 21 and 22, Registered Plan 1949, as part of the public highway known as Select Drive in the City of Kingston in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001, as amended.
2. This By-Law shall come into force and take effect on the date of its passing.

Given First and Second Readings xxxxxxx

Given Third Reading and Passed xxxxxxx

John Bolognone
City Clerk

Bryan Paterson
Mayor



LANDS TO BE DEDICATED

SELECT DR

PRINCESS ST

FUTURES GATE

By-Law Number. 2019-XX

A By-Law to Approve the Expropriation of Land being part of Land Municipally Known as 917- 919 Montreal Street, being Part of Lot 5 Concession West of the Great Cataraqui River designated as Parts 1, 2, 3, 4 and 5 on Reference Plan 13R-21840 in the City of Kingston, in the County of Frontenac being Part of PIN 36001-0001(LT)

Passed: February 5, 2019

Whereas pursuant to Section 6(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*, R.S.O. 1990, c. E. 26, as amended (the “Expropriations Act”);

And Whereas the Council of the Corporation of the City of Kingston (the “Corporation”) enacted By-law Number 2018-167 on October 2, 2018 authorizing the Corporation to apply for approval to expropriate a parcel forming part of land municipally known as 917- 919 Montreal Street, being Part of Lot 5 Concession West of the Great Cataraqui River designated as Parts 1, 2, 3, 4 and 5 on Reference Plan 13R-21840 in the City of Kingston, in the County of Frontenac being Part of PIN 36001-0001(LT) (the “Subject Property Interests”) for the purposes of the Third Crossing Bridge project (the “Third Crossing”) including the construction, use, maintenance, and repair of a bridge over the Cataraqui River, the widening of John Counter Boulevard, and works ancillary thereto;

And Whereas a Notice of Application for Approval to Expropriate Land for the Subject Property Interests was served and published, as required by the Expropriations Act;

And Whereas the said application has not been referred to a hearing of necessity by any of the owners of the Subject Property Interests and the applicable deadline for such under the Expropriations Act has passed;

And Whereas the Corporation now seeks approval of the expropriation of the Subject Property Interests;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. That approval is hereby granted for the expropriation by the Corporation of the City of Kingston of the Subject Property Interests as described in the Certificate of Approval attached hereto as Schedule “A”, for the above-described purposes.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the Corporation of the City of Kingston, the Certificate of Approval attached hereto as Schedule “A”, and the Certificate of Approval and Expropriation Certificate set out on a

Plan of Expropriation prepared by a qualified land surveyor (the “Expropriation Plan”) in the form prescribed by the Expropriations Act and all other notices and documents which are necessary to carry out the provisions of this By-law.

3. That the Expropriation Plan be prepared and registered in the Land Registry Office for the Land Titles Division of Frontenac (No. 13) and thereby effect the expropriation of the Subject Property Interests.
4. 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.
5. That an appraisal report estimating the market value of the Subject Property Interests and any injurious affection be obtained from an accredited appraiser.
6. That a Notice of Possession be served requiring possession of the Subject Property Interests at least three months after the date of service of said notice.
7. That the Corporation is hereby authorized to enter and take possession of the expropriated lands on the day permitted under the Expropriations Act, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and the Corporation.
8. That an offer of an amount in full compensation for the registered owners’ interests in the Subject Property Interests, and an offer in the alternative for immediate payment of 100% of market value as estimated by the expropriating authority without prejudice to other claims under the Expropriations Act, all in accordance with s. 25 of the Expropriations Act, be served, together with a copy of the appraisal report on which the offer of compensation is based.
9. That the officers and authorized agents of the Corporation of the City of Kingston be and they are otherwise authorized and directed to do all things required arising from the authorizations provided by this By-law.
10. That this By-law includes Schedule “A” attached hereto and this Schedule forms part of this By-law.
11. This By-law shall come into force and take effect on the date of its passing.

Given all Three Readings and Passed: February 5th, 2019

John Bolognone
City Clerk

Bryan Paterson
Mayor

Schedule “A” to By-law Number 2019-XX

Expropriations Act

CERTIFICATE OF APPROVAL

IN THE MATTER OF AN APPLICATION BY

The Corporation of the City of Kingston

(expropriating authority)

for approval to expropriate a parcel of land being Part of Lot 5 Concession West of the Great Cataraqui River designated as Parts 1 to 5 inclusive on reference plan 13R-21840 in the City of Kingston, in the County of Frontenac being Part of PIN 36001-0001(LT) forming part of land municipally known as 917–919 Montreal Street,

for the purposes of the Third Crossing Bridge project (the “Third Crossing”) including the construction, use, maintenance, and repair of a bridge over the Cataraqui River, the widening of John Counter Boulevard, and works ancillary thereto.

The Council of the Corporation of the City of Kingston hereby certifies that approval was given to:

The Corporation of the City of Kingston

(expropriating authority)

On the 5th of February 2019 to expropriate the following lands in fee simple:

Part of 917–919 Montreal Street being Part of Lot 5 Concession West of the Great Cataraqui River designated as Parts 1 to 5 inclusive on reference plan 13R-21840 in the City of Kingston, in the County of Frontenac being Part of PIN 36001-0001(LT)

being the lands described in the application.

Dated at Kingston, this day of February, 2019.

The Council of the Corporation of the City of Kingston

(name of approving authority)

Mayor Bryan Paterson
(signature of approving authority)

City Clerk - John Bolognone
(signature of approving authority)