



BY-LAW 2010-171

A by-law to approve the expropriation of land and
the taking of all steps necessary to obtain the possession of those lands

WHEREAS the Council of The Corporation of the Town of Markham (the "Town") enacted By-Law No. 2008-270 on December 16, 2008, authorizing commencement of the expropriation of the lands described in Schedule "A" attached hereto (the "Subject Lands") for the purposes set out therein;

AND WHEREAS no Hearing of Necessity is required to be held in respect of the proposed expropriation, the Town now seeks approval of the proposed expropriation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. That the expropriation of the Subject Lands, more particularly described in the Certificate of Approval attached as Schedule "B" to this by-law is hereby approved;
2. That the Mayor and Clerk are hereby authorized and directed to sign and execute on behalf of the Council of The Corporation of the Town of Markham and affix the corporate seal to the Certificate of Approval attached hereto as Schedule "B" and all notices and documents which are necessary to carry out the provisions of this by-law;
3. That a plan of expropriation be prepared and registered in the proper land registry office;
4. That Notices of Expropriation and Election be served upon all parties legally entitled thereto as required by the *Expropriations Act*, together with a copy of the plan of expropriation;
5. That Notices of Possession be served upon all parties legally entitled thereto and that staff or their authorized agents be authorized to do all things necessary for the entering upon and taking possession of the Subject Lands in accordance with the *Expropriations Act*;
6. That staff or their authorized agents be authorized to take such actions as are required to comply with the *Expropriations Act*, including the preparation or commissioning of appraisal reports; and
7. That an offer of an amount in full compensation of the registered owners' interest in the Subject 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 *Expropriations Act*, be served, together with a copy of the appraisal report on which the offer of compensation is based.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
21ST DAY OF SEPTEMBER, 2010.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR

SCHEDULE A

Fee Simple

Part of Lot 4, Concession 4, Town of Markham, Regional Municipality of York, being more particularly identified as Parts 10 and 11 on Reference Plan 65R-31579.

Temporary Easement (3 years)

Part of Lot 4, Concession 4, Town of Markham, Regional Municipality of York, being more particularly identified as Parts 9 and 12 on Reference Plan 65R-31579 for a term of three years commencing on registration of the expropriation plan.

SCHEDULE B

Expropriations Act

CERTIFICATE OF APPROVAL

IN THE MATTER OF AN APPLICATION BY

The Corporation of the Town of Markham
(Expropriating Authority)

For approval to expropriate land described in Appendix 1 attached hereto.

For the purpose of extending Rodick Road south of Riviera Drive to Esna Park Drive in the Town of Markham and works ancillary thereto and for a temporary easement for a term of three years commencing on registration of the expropriation plan for the purpose of entering upon and occupying the land with all necessary vehicles, machinery, equipment and material required to facilitate the extension of Rodick Road and for grading and works ancillary thereto.


The Council of The Corporation of the Town of Markham hereby certifies that approval was given to

The Corporation of the Town of Markham
(Expropriating Authority)

on the 21st day of September, 2010 to expropriate the lands described in Appendix 1 attached hereto.

The Council of The Corporation of the Town of Markham
(approving authority)


FRANK SCARPITTI
MAYOR


KIMBERLEY KITTERINGHAM
TOWN CLERK

DATED at Markham, this 21st day of September, 2010.

APPENDIX 1

Fee Simple

Part of Lot 4, Concession 4, Town of Markham, Regional Municipality of York, being more particularly identified as Parts 10 and 11 on Reference Plan 65R-31579.

Temporary Easement (3 years)

Part of Lot 4, Concession 4, Town of Markham, Regional Municipality of York, being more particularly identified as Parts 9 and 12 on Reference Plan 65R-31579 for a term of three years commencing on registration of the expropriation plan.