

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO.2005-52

A BY-LAW TO APPROVE THE EXPROPRIATION OF LAND

**WHEREAS** the Corporation of the Township of Bonnechere Valley as the Expropriating Authority filed with Council as the Approving Authority an Application for Approval to Expropriate Land, dated April 11, 2005;

**AND WHEREAS** the application relates to those lands owned by William Arthur Stevenson and Jane Kathrine Stevenson being Part of Lot 18, Concession 13, parts of Lot 7 and Lane, and all of Lots 8, 9, 10, 11 and 12, Plan 214, in the former geographic Township of Sebastopol, now in the Township of Bonnechere Valley, County of Renfrew, being all of PIN No. 57465-0039 (LT);

**AND WHEREAS** a Notice of Application for Approval to Expropriate the Lands was served by registered mail on every registered owner of the land and was published on April 13, 20 and 27, 2005, in *The Leader*, being a newspaper with general circulation in the vicinity of the land, all of which was in accordance with the requirements of the *Expropriation Act*;

**AND WHEREAS** William Arthur Stevenson and Jane Kathrine Stevenson served a Notice of Request for a Hearing before an Inquiry Officer, but withdrew their request prior to the hearing being conducted;

**AND WHEREAS** the Expropriating Authority relies of the following grounds for the purpose of its application for approval to expropriate the land:

1. Condition 16 of Provisional Certificate of Approval No. A-413302, as amended, for the Lake Clear Waste Disposal Site requires the following:

"No later than December 31, 2005, the Owner shall:

- (a) acquire ownership of a sufficient amount of land adjacent to the Site, that will bring the Site into compliance with the Guidelines; or
- (b) acquire the groundwater rights, including an easement for the purpose to allow for the installation and ongoing monitoring for groundwater wells are required, for a sufficient amount of land adjacent to the Site that will bring the Site into compliance with the guidelines; and
- (c) amend this Certificate to reflect the new boundaries.

2. The Site Closure and Waste Transfer Facility Operations Plan for the Lake Clear waste disposal site dated March 2002, prepared by Jp2g Consultants Inc. and Golder Associates Ltd. determined that the leachate plume from the waste disposal site has migrated across the southern half of the lands owned by William and Jane Stevenson, being that part of the property located closest to the shoreline of Lake Clear and on which the Stevenson cottage is currently located.
3. There are a large number of groundwater monitoring wells now on the Stevenson property and the municipality has a long-term continuing obligation to monitor the leachate plume and undertake in future such additional remedial measures as may be necessary based on the results of the monitoring program.
4. The continued use of the property for residential purposes presents a potential on-going risk of conflict between the reasonable use expectations of the property owner and the municipality as the entity responsible for the leachate plume.
5. The expropriating authority has determined that it is in the public's best long term interest to acquire fee simple ownership of the Stevenson property, rather than simply groundwater easement rights.
6. The expropriating authority has been unsuccessful in its efforts to negotiate the purchase of the property from the Stevensons.

**AND WHEREAS** Council, having determined that the expropriation of the land is fair, sound and reasonably necessary in order for the Expropriating Authority to achieve its objectives and deems the expropriation of the lands to be in the best interests of the municipality;

NOW THEREFORE BE IT RESOLVED THAT:

1. Council hereby approves the expropriation of the following land by The Corporation of the Township of Bonnechere Valley:  
  
"That part of Lot 18, Concession 13, parts of Lot 7 and Lane, and all of Lots 8, 9, 10, 11 and 12, Plan 214, in the former geographic Township of Sebastopol, now in the Township of Bonnechere Valley, County of Renfrew, being all of PIN No. 57465-0039, which lands are described as Parts 5, 6, and 7 on the draft plan of survey attached to the Notice of Application for Approval to Expropriate Land."
2. The Approval to Expropriate the Land shall be subject to an existing right-of-way over Part 6 on the draft plan of survey attached to the Notice of Application for Approval to Expropriate Land in favour of those persons entitled thereto.

3. The Mayor and Clerk are hereby authorized to execute on behalf of Council a Certificate of Approval to expropriate the land in the prescribed form pursuant to Section 8(3) of the *Expropriations Act*.
  
4. The Expropriating Authority shall register, within three (3) months after the granting of this approval, in the proper land registry office, a plan of the lands signed by the Expropriating Authority and by an Ontario Land Surveyor, and thereupon, but not otherwise, the land shall vest in the Expropriating Authority.
  
5. This By-Law shall come into force and take affect on the day it is passed.

READ AND FINALLY PASSED ON THE \_\_\_\_\_ day of \_\_\_\_\_ ,  
2005.

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Zig Mintha - Mayor

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Bryan Martin - Clerk