

A by-law to authorize commencement of expropriation
proceedings and to execute a Settlement and Release Agreement

WHEREAS The Corporation of the City of Mississauga (the “City”) through its BRT Project Office is responsible for the design and construction of the Dundas Bus Rapid Transit road project from the easterly boundary of the City of Mississauga on Dundas Street to Confederation Parkway in the west (the “Project”);

AND WHEREAS the BRT Project Office through a preliminary 30% design have determined a requirement for a temporary limited interest in property in the form of a temporary easement from the owners of 435 Hensall Circe in Ward 7, in order to effectively construct the Project;

AND WHEREAS the temporary easement lands which are required for construction, staging, grading and access form a part of the common elements of Peel Standard Condominium Corporation No. 738 (“PCC 738”);

AND WHEREAS the City and the Board of Directors for PCC 738 have agreed that the temporary limited property interest can be acquired by the City expeditiously through expropriation proceedings under the *Expropriations Act*, R.S.O. 1990, c E 26;

AND WHEREAS the City and the Board of Directors for PCC 738, have negotiated and settled the terms of a Settlement and Release Agreement to settle all the compensation issues;

NOW THEREFORE the Council for The Corporation of the City of Mississauga ENACTS as follows:

1. That City Council, sitting as the Approval Authority under the *Expropriations Act*, R.S.O. 1990, c. E.26, hereby authorizes the commencement of expropriation proceedings for the temporary limited property interest (“Temporary Easement”), legally described as part of the Common Elements, Peel Standard Condominium Plan 738 in the City of Mississauga, in the Regional Municipality of Peel, designated as Part 1 on Plan 43R-41177, having an area of 29 square metres (0.0072 acres), subject to the easements registered as instrument PR480029 and PR1308709 in favour of Rogers Cable Inc. and Alectra Utilities Corporation, respectively.
2. That the Mayor and the City Clerk are hereby authorized to execute Form 2 under the *Expropriations Act*, being the Notice of an Application for Approval to Expropriate Land and hereby delegate to the City Solicitor or her designate the authority to serve Form 2 on the property owner.
3. That the City Solicitor or her designate, is hereby authorized to take all necessary steps and sign all documentation required to comply with the provisions of the *Expropriations Act* in order to complete the expropriation of the Temporary Easement from PCC 738.
4. That the Commissioner of Corporate Services and the City Clerk, are hereby authorized to execute a Settlement and Release Agreement, including all ancillary documents and subsequent amending and extension agreements, between the City and PCC 738, and deliver the compensation payment described therein in full satisfaction of all demands and claims that may be advanced by PCC 738 under the *Expropriations Act*, for the acquisition of the Temporary Easement over 29 square metres (0.0072 acres) of land, on the terms detailed therein and in a form and content satisfactory to the City Solicitor.

