



## **The Municipal Corporation of the Town of Fort Erie**

**BY-LAW NO. 218-2001**

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### **BEING A BY-LAW TO AUTHORIZE THE SALE OF TOWN-OWNED LANDS ON THE SOUTH SIDE OF EVA ROAD TO DEREK REAY AND LORI ANN REAY (120902)**

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**WHEREAS** Section 191(1) of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended provides that the council of every corporation may pass by-laws for acquiring or expropriating any land for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of same when no longer so required, and

**WHEREAS** By-law No. 44-95 as amended establishes a policy for the disposition of real property owned by the Corporation of the Town of Fort Erie, and

**WHEREAS** lands described as Lot 131, Plan M-83 in the Town of Fort Erie on the south side of Eva Road (hereinafter referred to as "the lands") were declared surplus at the Council-in-Committee meeting of April 19<sup>th</sup>, 1999 and subsequently ratified by Council at its meeting of April 26<sup>th</sup>, 1999, and

**WHEREAS** Derek Reay and Lori Ann Reay were the sole abutting property owners to express an interest in purchasing the lands, and

**WHEREAS** the Opinion of Value for the lands was Two Thousand Dollars (\$2,000.00), and

**WHEREAS** Derek Reay and Lori Ann Reay submitted an Agreement of Purchase and Sale for the lands in the amount of \$2,000.00, and

**WHEREAS** it is deemed desirable to accept the Agreement of Purchase and Sale annexed hereto and forming part of this by-law;

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** the acceptance of an Agreement of Purchase and Sale from Derek Reay and Lori Ann Reay for the sale of lands on the south side of Eva Road described as Lot 131, Plan M-83 in the Town of Fort Erie, in the amount of Two Thousand Dollars (\$2,000.00) plus g.s.t. in the form of Schedule "A" annexed hereto to this by-law be and it is hereby approved and authorized.
2. **THAT** Section 1 above is subject to the Purchaser providing an easement over the lands for the purpose of access to a rear yard catch basin in a form acceptable to the vendor.

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3. **THAT** the easement referred to in Section 2 be and it is hereby approved.
4. **THAT** the Purchasers' Solicitor shall certify to the Town that at the time of registration of the Deed, the lands will merge with the Purchasers' abutting property and the Transferees acknowledge and agree that neither the lands nor the abutting lands can be sold separately.
5. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute any documentation necessary to complete this transaction.
6. **THAT** the Clerk is hereby authorized to effect any extensions of closing date or any other matters in order to complete this transaction.
7. **THAT** the certificate as required under subsection 193(9) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 and Section 6.3 of By-law No. 44-95 in the form of Schedule "B" annexed hereto shall be included with the Transfer/Deed of Land which shall be deemed to be sufficient proof that this section has been complied with.
8. **THAT** the proceeds from this sale shall be credited to the Major Capital Expenditures Reserve Fund of the Corporation of the Town of Fort Erie.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF NOVEMBER, 2001.**

  
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**MAYOR**

  
\_\_\_\_\_  
**CLERK**

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 218-2001 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**SCHEDULE "B"**  
**TO**  
**BY-LAW NO. 218-2001**

**IN THE MATTER OF** the sale of Town-owned surplus lands described as Lot 131, Plan M-83 in the Town of Fort Erie, on the south side of Eva Road (hereinafter called "the lands").

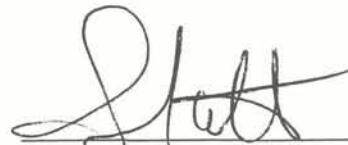
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**C E R T I F I C A T E**

I, Carolyn J. Kett, Town Clerk of the Town of Fort Erie, in the Regional Municipality of Niagara, in the Province of Ontario, hereby verify that to the best of my knowledge and belief:

1. By-law No. 44-95, as amended which provides for the disposition of certain surplus lands owned by the Corporation of the Town of Fort Erie was in force at the time the lands were declared surplus.
2. That notice of the sale of the surplus lands was published in the local paper, being The Times, on May 1<sup>st</sup> and 8<sup>th</sup>, 1999.
3. An appraisal was obtained for the lands.

DATED at Fort Erie, Ontario this 26<sup>th</sup> day of November, 2001.



Carolyn J. Kett,  
Town Clerk