



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 27-2003

BEING A BY-LAW TO NAME THE FORMER CENTRAL AVENUE EXIT RAMP OFF THE QEW AS DUTY FREE WAY

WHEREAS Section 11(2) of the *Municipal Act*, 2001, provides for spheres of jurisdiction and under Table (1) it states that a lower-tier municipality and an upper-tier municipality may pass by-laws respecting highways, including parking and traffic on highways, and

WHEREAS Section 47 of the *Municipal Act*, 2001 provides that before passing a by-law naming or changing the name of highway, a municipality shall give public notice of its intention to pass the by-law, and

WHEREAS at the Council-in-Committee meeting of January 20, 2003 Report No. F-04-2003 was approved as follows:

THAT: A by-law be submitted to Council to accept lands generally known as the former Central Avenue Exit Ramp and as shown on the Draft Reference Plan from the Buffalo and Fort Erie Public Bridge Authority for highway purposes, and further

THAT: The subject lands be named "Duty Free Way", and further

THAT: The Clerk be directed to publish notice in the local newspaper for two (2) consecutive weeks advising of Council's intentions to pass a by-law to name the subject lands "Duty Free Way", and further

THAT: A by-law be submitted to Council to authorize the entry into an agreement with the PBA setting out the terms and conditions for the assumption of the exit ramp for highway purposes, maintenance requirements and the like, and further

THAT: All expenses related to this matter shall be the responsibility of the Peace Bridge Authority, and

WHEREAS at the Regular Council meeting of January 27, 2003 By-law No. 18-2003 was passed authorizing the acceptance of lands generally known as the former Central Avenue Exit Ramp and described as Parts 1, 2 and 3 on Reference Plan 59R-11984 from the Buffalo and Fort Erie Public Bridge Authority for highway purposes, and

WHEREAS, pursuant to Council direction as set out under Recommendation No. 13 approved at the Council-in-Committee Meeting of January 20, 2003, notice of the proposed by-law naming the lands as "Duty Free Way" was published once a week for two consecutive weeks in The Times on January 25 and February 1, 2003, and

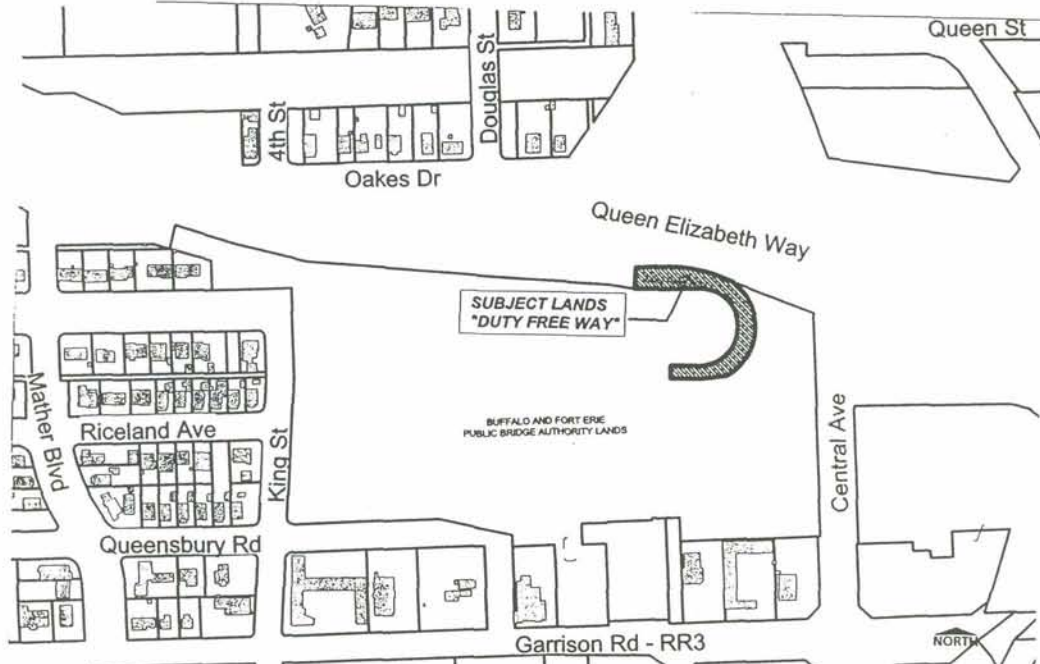
THIS IS EXHIBIT "1"
TO THE AFFIDAVIT OF
CAROLYN J. KETT
DATED THIS 12 DAY
OF FEBRUARY, 2003
gm march

Donna Martin
A Commissioner of Oaths, etc

PUBLIC NOTICE

PROPOSED STREET NAMING - "DUTY FREE WAY"

Pursuant to Section 47 of the *Municipal Act, 2001* notice is hereby given that the Municipal Council of the Town of Fort Erie proposes to pass a by-law to name lands generally known as the former Central Avenue exit ramp off the QEW, just before the approach to the Peace Bridge. The said lands described as Part of Lot 4 on the east side of Wadsworth Street and Part of Wadsworth Street (now Thyret Avenue) according to Registered Plan 9218 for the Village of Fort Erie, now known as Plan 505, and Part of Main Street (now Walden Boulevard), Part of Wadsworth Street, Part of Lane Lying south of Lots 81 to 88, Part of Lots 85, 86, 87, 88, 92, 93 and 114 according to Registered Plan 27 for the Village of Fort Erie now known as Plan 519, all now in the Town of Fort Erie and more particularly described as Part 1 on a Reference Plan to be registered will be conveyed to the Town of Fort Erie by the Buffalo and Fort Erie Public Bridge Authority for public highway purposes.



On Monday, February 10, 2003, at 6:00 p.m. in the Council Chambers at Town Hall, Fort Erie, the Municipal Council of the Town of Fort Erie intends to consider a by-law to name the above-described lands as "Duty Free Way."

Any person who wishes to appear as a delegation at the Council meeting of February 10, 2003 and to speak to the street naming by-law, should register with the Clerk's Office at Extension 204 by no later than 1:00 p.m. Friday, February 7, 2003.

Any enquiries may be directed to the Town Clerk.

Carolyn J. Kett, Town Clerk
Town of Fort Erie
Fort Erie, Ontario L2A 2S6
905-871-1600 extension 203
ckett@forterie.on.ca

SCHEDULE "A" TO BY-LAW NO. 27-2003

IN THE MATTER OF the naming of a highway as "Duty Free Way," on lands generally known as the former Central Avenue Exit Ramp and described as Parts 1, 2 and 3 on Reference Plan 59R-11984.


AFFIDAVIT

- (1) I, Carolyn J. Kett, of the Town of Fort Erie, in the Regional Municipality of Niagara, in the Province of Ontario, affirm that I am the Clerk of the Corporation of the Town of Fort Erie and as such have knowledge of the facts hereinafter deposed to.
- (2) Notice of the intended consideration of the passing of a by-law to name a highway as "Duty Free Way" on lands generally known as the former Central Avenue Exit Ramp off the QEW and more particularly described as Parts 1, 2 and 3 on Reference Plan 59R-11984 was published in The Times, a newspaper having general circulation in the Town of Fort Erie, on January 25 and February 1, 2003.
- (3) Attached to this Affidavit and now produced and shown to me and marked as Exhibit "1" to this my Affidavit is a copy of the actual notice inserted in The Times on January 25 and February 1, 2003.
- (4) The proposed by-law referred to in the notice as shown in Exhibit "1" annexed hereto came before the Municipal Council of the Town of Fort Erie on the 10th day of February, 2003, and no one appeared as a delegation to speak to the subject street naming.

SWORN BEFORE ME

at the Town of Fort Erie)
in the Regional Municipality)
of Niagara this 12 day of)
(February) , 2003.)

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Donna Martin
A Commissioner of Oaths, etc.



Carolyn J. Kett