



The Municipal Corporation of the Town of Fort Erie

By-law No. 101-2017

Being a By-law to Stop Up, Close and Convey Part of the Gilmore Road Unopened Road Allowance between Ridge Road North and Teal Road (2566035 Ontario Inc. - Garth McGaroch)

Whereas Report No. PDS-43-2017 was considered at the Council-in-Committee meeting held on July 10, 2017 and subsequently authorized and approved by Council, to stop up, close and convey part of the Gilmore Road unopened road allowance between Lots 4 & 5, Concession 10 NR Bertie, lying between Ridge Road North and Teal Road (the "lands"), to 2566035 Ontario Inc. (Garth McGaroch) (the "Purchaser") for the appraised value of \$21,800.00 plus HST, subject to the Purchaser being responsible for all associated costs including a Reference Plan, prior to a by-law being submitted to Council, and subject to the lands merging in title with the Purchaser's lands to the south, and the Town retaining a 3.0 metre strip along Ridge Road North for road widening purposes; and

Whereas the Purchaser has obtained at its expense the Reference Plan deposited as 59R-15927, designating the lands to be sold as Part 2 thereon and the 3.0 metre road widening as Part 1 thereon; and

Whereas it is deemed desirable to proceed with a by-law to stop up, close the said road allowance and to authorize the entry into an Agreement of Purchase and Sale for Part 2 on Reference Plan 59R-15927;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** that part of the Gilmore Road unopened road allowance legally described as Part of the Road Allowance between Lots 4 & 5, Concession 10, Niagara River, Bertie, lying between Ridge Road & Teal Road being Gilmore Road, designated as Part 2 on Reference Plan 59R-15927; Fort Erie, being part of PIN 64243-0135 (LT), is stopped up and closed.
2. **That** the entry into an Agreement of Purchase and Sale with 2566035 Ontario Inc. (the "Purchaser") for the sale of Part of the Road Allowance between Lots 4 & 5, Concession 10, Niagara River, Bertie, lying between Ridge Road & Teal Road being Gilmore Road, designated as Part 2 on Reference Plan 59R-15927; Fort Erie, being part of PIN 64243-0135 (LT) for the appraised value of \$21,800.00 plus HST, subject to the lands legally merging in title with the Purchasers' abutting lands to the south, and in a form satisfactory to the Town Solicitor, is authorized and approved.
3. **That** that part of Section 6.2.4 of the Policy with respect to notifying abutting landowners of the appraised value and offering them an opportunity to submit offers to purchase, is waived
4. **That** concurrently with the completion of the sale of the said road allowance, the Town Solicitor shall cause this by-law to be registered in the local Land Registry Office.

5. **That** the Town Solicitor, and in his absence, the Chief Administrative Officer or his designate, is authorized and directed to execute the Agreement of Purchase and Sale and any and all documentation necessary to complete the transaction, and to affix the corporate seal thereto.
6. **That** the proceeds from the sale shall be credited to the Major Capital Expenditure Reserve Fund of The Corporation of the Town of Fort Erie.
7. **That** this by-law shall expire one (1) year from the date of passage if the Purchaser has not completed the transaction.
8. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of August, 2017.

Mayor

Interim Clerk

I, _____, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No.101 -2017 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____
