



The Corporation of the Town of Fort Erie By-law 1-2026

Being a By-law to Assume Ownership and Responsibility for the Primary Services for the Bayridge Crossing Subdivision, Phase 3, Registered Plan 59M-363 (1372708 Ontario Inc. - Vaughn Gibbons)

Whereas Section 11 of the *Municipal Act*, 2001, S.O. c.25, as amended, authorizes the Council of a municipality to pass by-laws respecting matters within its jurisdiction, including public services such as water, sewage, stormwater, and roads; and

Whereas the Council of The Corporation of the Town of Fort Erie entered into a Subdivision Agreement with 1372708 Ontario Inc. (the "Developer") pursuant to By-law 124-2017, to provide for the development of the lands known as Bayridge Crossing Phase 3; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely:

- a) by Council passing an Assumption By-law for Primary Services after the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services; and
- b) by Council passing an Assumption By-law for Secondary Services after the Director of Infrastructure has approved the Certificate of Final Acceptance for Secondary Services; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services for Phase 3 of the said subdivision, confirming that all such Primary Services have been completed and maintained in accordance with the terms of Subdivision Agreement and the approved servicing plans; and

Whereas pursuant to Section 10.8(cc) of the Subdivision Agreement, upon such approval the Town may assume ownership of and responsibility for all Primary Services constructed by the Developer, save and except those Primary Services identified in Section 10.8(dd) as being excluded from assumption at this stage; and

Whereas it is deemed appropriate and in the public interest for the Town to assume the Primary Services for the Bayridge Crossing Phase 3;

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

1. **That** the following Primary Services, as defined and constructed in accordance with the Subdivision Agreement between the Town and the Developer, and shown on the approved servicing plans for the registered Plan of Subdivision 59M-363, Bayridge Crossing Phase 3, are hereby assumed by the Town of Fort Erie into its ownership and responsibility, namely:
 - a) municipal water distribution system and appurtenances;
 - b) sanitary sewer laterals and appurtenances;
 - c) storm sewer mains and appurtenances;
 - d) base road structure and concrete curbs; and
 - e) the street lighting distribution system.
2. **That** this By-law does not include or assume the following works, which shall be assumed by separate by-law(s) for Secondary Services:
 - a) the streets and roadways constructed by the Developer within the Plan of Subdivision; and

b) utility services other than the street lighting system.

3. **That** the Clerk of the Town is authorized to affect 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 26th day of January 2026.

Mayor

Clerk