



The Corporation of the Town of Fort Erie By-law 59-2026

Being a By-law to Authorize the Exchange of Lands for the Spears-High Pointe Pedestrian Corridor (Darren Flagg and Janine Perry-Flagg and 2850524 Ontario Incorporated)

Whereas Report CAO-03/LC-01-2023 was considered and approved at the Council-in-Committee Meeting held February 13, 2023, to authorize the disposal of part of the Florence Drive road allowance lying east of Benner Avenue to the abutting land owners located at 1102 Benner Avenue, subject to the lands legally merging in title with 1102 Benner Avenue, and, conditional upon the exchange of Florence Drive to the owners of 1102 Benner Avenue in return for lands fronting on the east side of Benner Avenue measuring 10 metres in width and 113 metres in length (approximately) to the Town for the purpose of a 10-metre-wide multi-use trail/pedestrian corridor as identified in the Spears-High Pointe Secondary Plan; and

Whereas By-law 142-2023 was passed by the Municipal Council of The Corporation of the Town of Fort Erie on September 18, 2023, authorizing the exchange of lands between the Town, Darren Flagg and Janine Perry-Flagg and 2850524 Ontario Incorporated for the purpose of a pedestrian corridor as identified in the Spears-High Pointe Secondary Plan; and

Whereas By-law 142-2023 provided that the by-law would expire one year from the date of passage if the exchange of lands had not been completed; and

Whereas By-law 92-2024 was passed by Council on September 9, 2024, to amend By-law 142-2023 by extending the expiry date for an additional year to allow additional time for the completion of the land exchange; and

Whereas certain discrepancies with the legal title of a parcel of land involved in the exchange delayed the completion of the transaction, and the parties involved have worked towards rectifying the discrepancies; and

Whereas additional delays in resolving the title discrepancies have further postponed the completion of the land exchange, and the extended expiry period provided by By-law 92-2024 has now expired without the exchange having been completed; and

Whereas it is deemed desirable to proceed with the land exchange previously approved by Council and to authorize the completion of the transaction and the execution of an Agreement of Purchase and Sale with Darren Flagg and Janine Perry-Flagg and 2850524 Ontario Incorporated;

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

- 1. That** the sale of Florence Drive, Plan 462, Bertie lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373(LT), to the abutting land owners at 1102 Benner Avenue, subject to the lands legally merging in title and conditional upon the exchange of Florence Drive to the owners of 1102 Benner Avenue in return for lands fronting on the east side of Benner Avenue measuring 10 metres in width and 113 metres in length (approximately) to the Town for the purpose of a 10-metre-wide multi-use trail/pedestrian corridor as identified in the Spears-High Pointe Secondary Plan, is authorized and approved,
- 2. That** the entry into an Agreement of Purchase and Sale with Darren Flagg and Janine Perry-Flagg and 2850524 Ontario Incorporated for the exchange of lands outlined in Section 1, in a form satisfactory to the Town's solicitor, is authorized and approved.

- 3. **That** the Town solicitor is authorized and directed to execute all documentation necessary to complete the transaction and to affix the corporate seal thereon.
- 4. **That** this by-law shall expire one (1) year from the date of passage if the exchange of lands has not been completed.
- 5. **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 24th day of August 2026.

Mayor

Clerk