

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
SPECIAL COUNCIL MEETING  
FRIDAY, SEPTEMBER 25, 2009  
3:00 PM**

**AGENDA**

- 1. OPENING OF MEETING BY THE MAYOR**
- 2. DISCLOSURE OF PECUNIARY INTEREST**
- 3. BY-LAWS**

**a. By-law 2009 – 50**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2009 - 50, being a by-law to amend By-law 2007-44 being a By-law to establish Procedures for the Sale and Disposition of Land, to declare surplus and authorize the sale and/or conveyances of easements for the lands described as follows: Part of PIN 58108-0156 (LT), Part to PIN 58108-0157 (LT), Part of PIN 58108-0158 (LT), PIN 58108-0218 (LT) being Part of the West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20 & 21 on Draft Reference Plan prepared by Peter T. Raikes file number 9733R (the "Subject Property"); and that said By-law be read a first, and taken as read a second and third time and finally passed.*

**4. CONFIRMATION BY-LAW**

**By-law 2009 – 51**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2009 - 51, being a by-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this Twenty-Fifth Day of September 2009; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

**5. ADJOURNMENT**

Recommendation: *Be it resolved that this meeting of the Council of the Township of Essa adjourn to meet again on the Seventh day of October 2009 following Committee of the Whole.*

# THE CORPORATION OF THE TOWNSHIP OF ESSA

## BY-LAW NO. 2009 – 50

**By-law to amend By-law 2007-44 being a By-law to establish Procedures for the Sale and Disposition of Land, to declare surplus and authorize the sale and/or conveyances of easements for the lands described as follows: Part of PIN 58108-0156 (LT), Part to PIN 58108-0157 (LT), Part of PIN 58108-0158 (LT), PIN 58108-0218 (LT) being Part of the West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20 & 21 on Draft Reference Plan prepared by Peter T. Raikes file number 9733R (the “Subject Property”).**

WHEREAS the Corporation of Township of Essa passed By-law 2007-44 which is a by-law to establish Procedures for the Sale and Disposition of Land in Essa Township; and

WHEREAS in order to expedite the sale of the Subject Property to the Simcoe County District School Board, the Corporation of the Township of Essa deems it expedient to authorize an amendment to By-law 2007-44 section 2(a) such that section 2(a) shall not apply to the process of declaring the Subject Property surplus; and

WHEREAS the lands contained in PIN 58108-0156 (LT) were acquired by The Corporation of the Township of Essa by a transfer registered as instrument number RO1457560 on the 27<sup>th</sup> day of November 1973; and

WHEREAS the lands contained in PIN 58108-0157 (LT) were acquired by The Corporation of the Township of Essa by a transfer registered as instrument number ES11268 on the 9<sup>th</sup> day of January, 1929; and

WHEREAS the lands contained in PIN 58108-0158 (LT) were acquired by The Corporation of the Township of Essa by a transfer registered as instrument number RO847234 on the 2<sup>nd</sup> day of November, 1984; and

WHEREAS the lands contained in PIN 58108-0218 (LT) were acquired by The Corporation of the Township of Essa by a transfer registered as instrument number RO369279 on the 16<sup>th</sup> day of September, 1971; and

WHEREAS the portion of the Subject Property described as Part of West half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Part of PIN 58108-0157 (LT), Part of PIN 58108-0158 (LT), being Parts 12, 13 and 20, on Draft Reference Plan prepared by Peter T.

Raikes file number 9733R, is not required by the Corporation of the Township of Essa for Municipal purposes; and

WHEREAS the portion of the Subject Property described as Part of PIN 58108-0156 (LT), Part of PIN 58108-0157 (LT) Part of West half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 2, 3, 4, 6, 7, 8 & 9, on Draft Reference Plan prepared by Peter T. Raikes file number 9733R is not required by the Corporation of the Township of Essa for Municipal purposes as to a 50% interest as Tenants in Common; and

WHEREAS the portion of the Subject Property described as Part of PIN 58108-0156 (LT), Part of PIN 58108-0157 (LT) and PIN 58108-0218 (LT) Part of West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 5, 10, 11, 14 & 19, on Draft Reference Plan prepared by Peter T. Raikes file number 9733R is not required by the Corporation of the Township of Essa for Municipal purposes; and

WHEREAS the portion of the Subject Property described as Part of PIN 58108-0156 (LT), Part of PIN 58108-0157 (LT) and PIN 58108-0218 (LT) Part of West half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 3, 6, 16, 17 & 21 on Draft Reference Plan prepared by Peter T. Raikes file number 9733R is not required by the Corporation of the Township of Essa for Municipal purposes to the extent that Easements may be granted over them; and

WHEREAS the Corporation of Township of Essa has determined that the Subject Property is not required for Municipal purposes or is required partially for municipal purposes as set out herein, and declares that the Subject Property is surplus pursuant to procedural by-law 2007-44 enacted September 5, 2007 coming into force on January 1, 2008; and

WHEREAS Section 9 of the Municipal Act, S.O. 2001, c. 25, authorizes the municipality to dispose of municipal property once declared surplus; and

WHEREAS The Corporation of the Township of Essa deems it necessary and expedient to sell the interest in the Subject Property as set out herein on the terms and conditions of the Agreement of Purchase and Sale between the Corporation of the Township of Essa and the Simcoe County District School Board dated September 23, 2009 and attached as Schedule B;

NOW THEREFORE the Council for the Corporation of the Township of Essa hereby enacts as follows:

1. This Council does authorize an amendment to by-law 2007-44 section 2(a) such that Section 2(a) shall not apply the process of declaring this Subject Land surplus.
2. This Council does hereby declare surplus Part of the West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Part of PIN 58108-0157 (LT), Part of PIN 58108-0158 (LT), being parts 12, 13 and 20, on Draft Reference Plan prepared by Peter T. Raikes file number 9733R for the purposes

of being declared surplus and sold in fee simple to the Simcoe County District School Board.

3. This Council does hereby declare surplus Part of the West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Part of PIN 58108-0156 (LT) and Part of PIN 58108-0157 (LT), being Parts 2, 3, 4, 6, 7, 8 & 9, on Draft Reference Plan prepared by Peter T. Raikes file number 9733R for the purpose of being declared surplus, and sold in fee simple, as to a 50% interest as Tenants in Common to the Simcoe County District School Board.
4. This Council does hereby declare surplus Part of the West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, Part of PIN 58108-0156 (LT), Part to PIN 58108-0157 (LT), Part of PIN 58108-0158 (LT), being Parts 5, 10, 11, 14 & 19, on Draft Reference Plan prepared by Peter T. Raikes file number 9733R for the purpose of being declared surplus, in fee simple and conveyed to the Corporation of the County of Simcoe.
5. This Council does hereby declare surplus Part of PIN 58108-0156 (LT), Part of PIN 58108-0157 (LT) Part of PIN 58108-0158 (LT) and PIN 58108-0218 (LT) Part of West half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 3, 6, 16, 17 & 21 on Draft Reference Plan prepared by Peter T. Raikes file number 9733R for the purpose being declared surplus to the extent of granting easements to the Simcoe County District School Board.
6. This Council does hereby authorize the sale of the Subject Lands in fee simple, in fee simple as Tenants in Common and for the purpose of transferring Easements for the purchase price set out in the Agreement of Purchase and Sale as attached hereto as Schedule B with the Fee Simple portion going to the Simcoe County District School Board, the fee simple portion as Tenants in Common portion going to the Simcoe County District School Board, the Easements going to the Simcoe County District School Board, and the road widening being transferred to the Corporation of the County Simcoe for nominal consideration, with each of the Vendor and Purchaser being responsible for their own legal costs.
7. This Council does hereby authorize the Mayor and Clerk to take all necessary action to carry out the provisions of this by-law including the execution of any documentation in connection with the declaring surplus and sale of the Subject Property.
8. This Council does hereby authorize that there shall be attached to this by-law a Schedule "C" the affidavit of Mike Galloway, Clerk, setting out the procedures taken for giving notice to the public of its intention to pass this by-law.
9. This By-law shall take effect and come into force on and from the date it is finally passed by Council for The Corporation of the Township of Essa.

READ A FIRST TIME AND TAKEN AS READ A SECOND AND THIRD TIME AND  
FINALLY PASSED THIS TWENTY-FIFTH DAY OF SEPTEMBER, 2009.

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David Guergis, Mayor

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Mike Galloway, Clerk

**SCHEDULE "A"**  
To By-Law 2009 – 50

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

Part of PIN 58108-0156 (LT), Part to PIN 58108-0157 (LT), Part of PIN 58108-0158 (LT), PIN 58108-0218 (LT) being Part of the West Half of Lot 29, Concession 3, Township of Essa, County of Simcoe, being Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20 & 21 on Draft Reference Plan prepared by Peter T. Raikes file number 9733R.

**SCHEDULE "B"**  
To By-Law 2009 – 50

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

Agreement of Purchase and Sale between The Corporation of the Township of Essa and the Simcoe County District School Board dated 23<sup>rd</sup> day of September, 2009

**SCHEDULE "C"**  
To By-Law 2009 – 50

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**PROVINCE OF ONTARIO            IN THE MATTER OF**

I, Mike Galloway, of the Township of Essa, in the County of Simcoe, do solemnly declare as follows:

1.     That I am the Clerk of The Corporation of the Township of Essa and as such have knowledge of the matters herein deposed to.
  
2.     That pursuant to S.34 of the Municipal Act, S.O., 2001, c.25, and The Corporation of the Township of Essa's Procedural By-law 2007-44, I did cause public notice to be given in the following method:

Posted on The Township Websit

3.     Attached to this my affidavit and marked as Exhibit "A" is a copy of the said Notice as it appeared on the Township of Essa's Website on the 25<sup>th</sup> day of September, 2009.
  
4.     That the proposed by-law came before Council of The Corporation of the Township of Essa for consideration at a meeting on the 25<sup>th</sup> day of September, 2009, and no objections were received.

**SWORN** before me at the            )  
Township of Essa,                    )  
in the County of Simcoe            )  
this     day of September, 2009.    )

\_\_\_\_\_  
Mike Galloway

A commissioner, etc.



**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW NO. 2009 - 51**

**A By-law to confirm the proceedings of the Special Council  
meeting held on the Twenty-Fifth day of September, 2009**

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA HEREBY  
ENACTS AS FOLLOWS:

THAT the action of the Council at its special meeting held on the Twenty-Fifth day of September, 2009 and in respect of each motion, resolution and other action passed and taken by the Council at the said meetings, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

THAT the Mayor and the proper officials of the Township of Essa are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the Corporate Seal to all such documents.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY  
PASSED on this the Twenty-Fifth day of September, 2009.

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David Guergis, Mayor

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Mike Galloway, Clerk