



Special Council Meeting
Wednesday, October 30, 2024 –12:30 p.m.
County of Frontenac Administration Building,
2069 Battersea Road, Glenburnie, ON

<https://youtube.com/live/PcaVMNzBkSA?feature=share>

AGENDA

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Call to Order

Disclosure of Pecuniary Interest and General Nature Thereof

Items of Business

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a) **2024-115**

Office of the CAO

Amendments to By-law Approving the Application to Expropriate Lands for the Purposes of the K&P Trail at Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081

This report is for information purposes only.

[Amendments to By-law Approving the Application to Expropriate Lands for the Purposes of the K&P Trail at Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081](#)

By-Laws – General By-laws and Confirmatory By-law

a) First and Second Reading

Resolved That leave be given the mover to introduce by-laws a) and b) that have been circulated to all Members of County Council and that by-laws a) and b) be read a first and second time.

b) Third Reading

Resolved That by-laws a) and b) be read a third time, signed, sealed and finally passed.

By-Laws

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To execute the Certificate of Approval under the Expropriations Act R.S.O 1990, Regulation 363 for lands legally described as

Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081, and to Repeal By-law 2024-031

[Proposed By-law No. 2024-034]

[To execute the Certificate of Approval under the Expropriations Act R.S.O 1990, Regulation 363 for lands legally described as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081, and to Repeal By-law 2024-031](#)

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To confirm all actions and proceedings of County Council on October 30, 2024

[Proposed By-law No. 2024-035]

[To confirm all actions and proceedings of County Council on October 30, 2024](#)

Adjournment



Report 2024-115

Recommend Report to Council

To: Warden and Members of County Council
From: Kevin Farrell, Chief Administrative Officer
Prepared by: Jannette Amini, Manager of Legislative Services/Clerk
Date of meeting: October 30, 2024

Re: Office of the CAO – Amendments to By-law Approving the Application to Expropriate Lands for the Purposes of the K&P Trail at Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081

Recommendation

This report is for informational purposes only.

Background

At its regular meeting held October 16, 2024, through [Report 2024-105](#), Council passed the following resolution:

Whereas County Staff have determined that expropriation of these lands is necessary for the purpose of linking two sections of the Frontenac K&P Trail for the reason of ensuring its continued long-term viability as a public trail within the Frontenac County Trail System;

And Whereas the property owner at Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081 on the Draft Plan of Expropriation has withdrawn their request for a hearing of necessity, and that the previously scheduled hearing regarding the planned taking at the property has been cancelled by the Ontario Land Tribunal;

Be It Resolved That the Council of the County of Frontenac receive the Office of the Chief Administrative Officer – Approval of the Application to Expropriate

Lands for the Purposed of the K&P Trail at Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081;

And Further That County Council approve the expropriation of the lands legally described as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081;

And Further That the Warden and Chief Administrative Officer be authorized to execute the Certificate of Approval in the prescribed form pursuant to section 8(3) of the *Expropriations Act* R.S.O 1990.

Later in that same meeting, Council passed all 3 readings and authorized the sealing of By-law 2024-031, being a by-law to execute the Certificate of Approval under the Expropriations Act R.S.O 1990, Regulation 363 for lands legally described as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081.

Comment

As noted in report 2024-105, the request for a Hearing of Necessity had been withdrawn for the subject property and that County Council may now proceed with approval of the request to expropriate and upon that approval, staff, in consultation with the County's solicitors will commence the expropriation process.

By-law 2024-031 was forwarded to Cunningham Swan on October 22nd requesting that they commence the expropriation process, as per Council's direction. Staff were advised at that time that mistakes had been made upon the drafting of the by-law, due to the wrong by-law template being used. As such, the by-law passed by Council did not authorize the County to expropriate the lands in fee simple.

Given that the regular meeting of Council, scheduled for November 20th will be more than 90 days from the date that the hearing of necessity was withdrawn (August 12), Cunningham Swan recommended that a special meeting of Council be held as soon as possible to repeal by-law 2024-031 and pass a new by-law giving authority to expropriate the interest in fee simple.

The purpose of this report is to provide Council with background information prior to passing a new by-law later in the meeting giving authority to expropriate the interest in fee simple and repealing By-law 2024-031.

Strategic Priorities

Priority 1 Develop a Regional Approach to Overcome Infrastructure Issues and Maximize Infrastructure Development Opportunities.

1.2 Develop strategies to improve regional transportation connectivity and accessibility.

Priority 2 Contribute to the Progress of Sustainable Economic Growth and Prosperity Throughout the County.

2.1 Work with Townships to improve and sustain the villages and hamlets across the region.

Financial Implications

There are no financial implications associated with this report.

As noted to Council at its October 16th meeting via Report 2024-105, there is the presumption of full compensation for all losses caused by an expropriation. The *Expropriations Act* provides for the following with respect to costs afforded the landowner:

Based on survey and appraisal reports performed on behalf of the County to date, the market value of the land falls within the parameters of negotiation authorized by Council at its March 2016 meeting.

Organizations, Departments and Individuals Consulted and/or Affected.

Alex Lemieux, Director of Corporate Services/Treasurer
Cunningham Swan

By-Law Number 2024-034

of

The Corporation of the County of Frontenac

being a by-law to execute the Certificate of Approval under the Expropriations Act R.S.O 1990, Regulation 363 for lands legally described as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081, and to Repeal By-law 2024-031

Whereas Sections 5 of the *Municipal Act, 2001*, as amended (hereinafter the Act) provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by its council by by-law, unless the municipality is specifically authorized to do otherwise; and,

Whereas the County of Frontenac at its meeting held June 21, 2023 passed by-law 2023-030 to authorize an application to Approve the Expropriation of Lands for the purposes of the K&P Trail; and,

Whereas the Hearings of Necessity has been withdrawn for the property identified as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081; and,

Whereas County Council may now proceed with approval of the request to expropriate; and,

Whereas Council is satisfied that the process Council followed in order to serve its intention to expropriate meets the requirements of the Act; and,

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac enacts as follows:

1. **That** County Council affirm its decision to state its intention to expropriate lands legally described as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081; and,
2. **That** the Warden and Chief Administrative Officer be authorized to execute the Certificate of Approval in the prescribed form pursuant to section 8(3) of the *Expropriations Act*, R.S.O. 1990.
3. **That** By-law 2024-031 be and is hereby repealed.
4. **That** this By-law shall come into force and take effect upon the date of final passing.

Read a First and Second Time this 30th day of October, 2024.

Read a Third Time, Signed, Sealed and Finally Passed this 30th day of October, 2024.

The Corporation of the County of Frontenac

<hr/> Frances Smith, Warden	<hr/> Jannette Amini, Clerk
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By-law 2024-034 – to execute the Certificate of Approval under the Expropriations Act R.S.O 1990, Regulation 363 for lands legally described as Part of Lots 13 and 14, Concession 10, Geographic Township of Palmerston, Township of North Frontenac, being Part 1 on the Draft Plan of Expropriation and being part of PIN 36211-0081
October 30, 2024

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By-Law No. 2024-035

of

The Corporation of the County OF Frontenac

being a by-law to confirm all actions and proceedings of County Council on
October 30, 2024

Whereas Section 8 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other *Act*; and;

Whereas Subsection 2 of Section 11 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto provides that a lower-tier municipality and an upper-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction described in the Table to Subsection 2 subject to certain provisions, and;

Whereas Section 5 of the *Municipal Act, S.O. 2001, c. 25* and amendments thereto provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 shall be exercised by its council and by by-law unless the municipality is specifically authorized to do otherwise; and;

Whereas the Council of the County of Frontenac deems it expedient to confirm its actions and proceedings;

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac hereby enacts as follows:

1. **That** all actions and proceedings of the Council of the County of Frontenac taken at its special meeting held on October 30, 2024, be confirmed as actions for which the municipality has the capacity, rights, powers and privileges of a natural person.
2. **That** all actions and proceedings of the Council of the County of Frontenac taken at its special meeting held on October 30, 2024, be confirmed as being matters within the spheres of jurisdiction described in Subsection 2 of Section 11 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto.
3. **That** all actions and proceedings of the Council of the Corporation of the County of Frontenac taken at its special meeting held on October 30, 2024, except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.

4. **That** this by-law shall come into force and take effect as of the final passing thereof.

Read a First and Second Time this 30th day of October 2024

Read a Third Time and Finally Passed, Signed and Sealed this 30th day of October 2024.

The Corporation of the County of Frontenac

Frances Smith, Warden

Jannette Amini, Clerk