



**The Municipal Corporation of the
Town of Fort Erie**

BY-LAW NO. 58-2000

**BEING A BY-LAW TO AUTHORIZE THE SALE OF LANDS TO
NORDIC GAMING CORPORATION ON THE SOUTH SIDE OF
BERTIE STREET (L07.269.04)**

WHEREAS Section 191(1) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 as amended provides the council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required, and

WHEREAS By-law No. 216-99 passed by the Municipal Council of the Town of Fort Erie on the 13th day of December, 1999 authorized the sale of land bounded by the Q.E.W., Bertie Street and Concession Road to Nordic Gaming Corporation pursuant to an Agreement of Purchase and Sale, and

WHEREAS pursuant to the aforesaid Agreement of Purchase and Sale, the Town undertook to acquire abutting lands on the south side of Bertie Street comprised of 1.06 acres and described as Part of Lot 2, Concession 2, Niagara River in the former Township of Bertie, now in the Town of Fort Erie, in the Regional Municipality of Niagara and being shown as Parts 19, 20 and 21, Plan 59R-10165 (hereinafter referred to as the "lands") from the Regional Municipality of Niagara and to convey same to Nordic Gaming Corporation, and

WHEREAS By-law No. 215-99 was passed by the Municipal Council of the Town of Fort Erie on the 13th day of December, 1999 authorizing the purchase of the lands from the Regional Municipality of Niagara subject to easement requirements, and

WHEREAS the Town of Fort Erie acquired the lands subject to easement considerations under Instrument Nos. 768450 and 768451 as registered in the local Land Registry Office on February 23, 2000, and

WHEREAS the lands were declared surplus at the Council meeting of February 14th, 2000, and

WHEREAS advertisements were placed in The Times on February 26 and March 4, 2000 advising of the declaration of surplus lands and notice of Council's intention to sell same, and

WHEREAS pursuant to Section 8 of the aforesaid Agreement of Purchase and Sale, being Schedule "A" to By-law No. 216-99, it is deemed desirable to convey the lands to Nordic Gaming Corporation, and

BY-LAW NO. 58-2000
PAGE TWO

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

- (1) THAT the sale by the Town of the lands to Nordic Gaming Corporation in the amount of \$22,000.00 plus associated expenses be and it is hereby authorized and approved.
- (2) THAT the Mayor and Clerk be and they are hereby authorized and directed to execute any and all documentation necessary to effect this transaction.
- (3) THAT the sale of this property is conditional upon the subject lands merging in title with the purchaser's abutting property.
- (4) THAT the certificate as required under subsection 193(9) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 and Section 6.3 of By-law No. 44-95 in the form of Schedule "A" annexed hereto shall be included with the Transfer/Deed of Land which shall be deemed to be sufficient proof that this section has been complied with.
- (5) THAT the proceeds from this sale shall be credited to the Major Capital Expenditure Reserve Fund of the Corporation of the Town of Fort Erie.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF MARCH, 2000.



MAYOR



CLERK

I, the Clerk, Carolyn J. (Booth) Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 58-2000 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 2000.

SCHEDULE "A"
TO
BY-LAW NO. 58-2000


IN THE MATTER OF the sale of Town-owned surplus lands described as Part of Lot 2, Concession 2, Niagara River, in the former Township of Bertie, now in the Town of Fort Erie, in the Regional Municipality of Niagara and being shown as Parts 19, 20 and 21, Plan 59R-10165 on the south side of Bertie Street (hereinafter called "the lands").

CERTIFICATE

I, Carolyn J. (Booth) Kett, Clerk of the Town of Fort Erie, in the Regional Municipality of Niagara, in the Province of Ontario, hereby verify that to the best of my knowledge and belief:

1. By-law No. 44-95, as amended which provides for the disposition of certain surplus lands owned by the Corporation of the Town of Fort Erie was in force at the time the lands were declared surplus.
2. That notice of the sale of the surplus lands was published in the local paper, being The Times, on February 26 and March 4, 2000.
3. An appraisal was obtained for the lands.

DATED at Fort Erie, Ontario this 27th day of March, 2000.



Carolyn J. (Booth) Kett,
Clerk