

BY-LAW NUMBER 8167


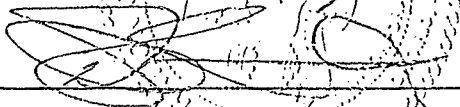
A BY-LAW TO AUTHORIZE THE CORPORATION OF THE CITY OF WELLAND TO ENTER INTO AN AGREEMENT WITH THE CORPORATION OF THE TOWN OF PELHAM AND THE REGIONAL MUNICIPALITY OF NIAGARA TO ADJUST THE MUNICIPAL BOUNDARY BETWEEN THE SAID LOCAL MUNICIPALITIES

WHEREAS the Council of The Corporation of The City of Welland deems it expedient to enter into an Agreement with The Corporation of the Town of Pelham and The Regional Municipality of Niagara to adjust the municipal boundary between the said local municipalities.

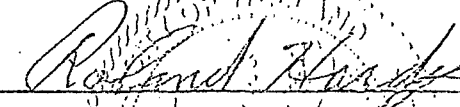

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That The Corporation of the City of Welland enter into an Agreement with The Corporation of the Town of Pelham and The Regional Municipality of Niagara to provide for the adjustment of the local municipal boundary and that such Agreement be in the form hereto annexed and marked Schedule "A" to this By-law.
2. That the Mayor and Clerk be and they are hereby authorized and directed on behalf of the Corporation to execute the said Agreement and affix thereto the corporate seal of the Corporation and cause to be prepared and executed any documents, reports, form and correspondence as may be required in order to give effect to the Agreement and the Application referred to therein.

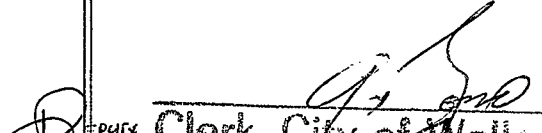
READ A FIRST AND SECOND TIME BY COUNCIL THIS 13th DAY OF August, 1985.


MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED BY COUNCIL THIS 17th DAY OF September, 1985.


MAYOR

CLERK

CERTIFIED A TRUE COPY


Clerk, City of Welland

Date DEC 09 1986

84-199

THIS AGREEMENT made in quadruplicate this 21st day of June 1985.

B E T W E E N:

THE CORPORATION OF THE CITY OF WELLAND

hereinafter called "the City"

OF THE FIRST PART

AND

THE CORPORATION OF THE TOWN OF PELHAM

**CITY OF WELLAND
TOWN OF PELHAM
PUBLIC NOTICE**

The City of Welland and the Town of Pelham have agreed to adjust their mutual boundary along Montgomery Road. The proposed boundary changes are illustrated on the map below.

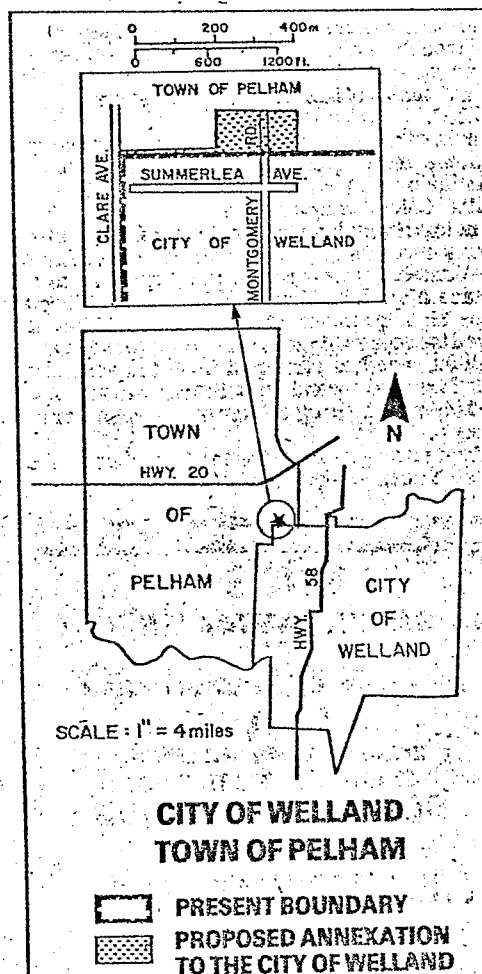
An implementation of these boundary changes under the **Municipal Boundary Negotiations Act, 1981** would also provide for the following:

- (1) The effective date of the proposed change would be the 1st day of January, 1986 or such later date as may be provided by Order-in-Council.
- (2) The assessment values of annexed properties would be brought to the same level as currently in effect in the annexing municipality. The purpose of this is to give equitable tax treatment to the annexed properties compared with similar properties in the annexing municipality.
- (3) There would be no compensation paid to the other municipality by the annexing municipality in return for the lands annexed. Only real property of the municipality located in the area to be annexed would transfer to the annexing municipality. No other municipal assets would be transferred.
- (4) The By-laws of the annexing municipality would apply to the annexed area on the annexation day with the exception of existing zoning by-laws which continue in force, unless and until altered through the appropriate amending procedures.

Any person or organization wishing further information on the above should contact one of the offices listed below:

Any person or organization wishing to comment on these matters should deliver their view in writing for the consideration of the municipal Councils by the **12th day of September 1985** to or both of the following offices:

Office of the Clerk of the City of Welland, City Hall, 411 East Main Street, Welland, Ontario. L3B 3X4 Telephone: 735-1700	Office of the Clerk of the Town of Pelham, P.O. Box 400, Pelham Municipal Building, Pelham Town Square, Fonthill, Ontario. L0S 1E0 Telephone: 892-2607
--	--



By-law 8167

THE EVENING TRIBUNE
Friday, August 23, 1985.

2. Assets and Liabilities

(1) All real property of the Town located in the area to be annexed by the City shall vest in and become the property of the City on annexation day.

(2) All assets and liabilities, excluding all real property, of the Town attributable to the area to be annexed by the City shall remain the assets and liabilities of the Town.

(3) For the purpose of this paragraph, real property shall be deemed to include any highway, street fixture, waterline, easement and restrictive covenant running with the land.

(4) Prior to annexation day, the Town and the Region agree to permit the City to install a sanitary sewer line along that portion of Montgomery Road described in said Schedule "A" to this agreement as being within the lands to be annexed.

3. Real Property Taxes

(1) All real property taxes levied under any general or special Act and uncollected in the area to be annexed which are due and unpaid on the day prior to the annexation day shall, on annexation day, become a debt owed to the City and may be collected by the City.

(2) The Clerk of the Town of Pelham shall forthwith prepare and furnish to the Clerk of the City of Welland a special collector's roll showing all real property taxes or special rates assessed against the lands in the annexed area up to the annexation day and the persons assessed therefor.

(3) The City shall pay to the Town on annexation day or within three (3) months thereafter an amount equal to the amount due and unpaid in subparagraph (1).

4. Business Taxes

All business taxes levied and uncollected in the annexed area which are due and unpaid on the 1st day of January 1986 shall continue after that date to be taxes due and payable to The Corporation of the Town of Pelham and may be collected by The Corporation of the Town of Pelham.

5. By-laws in Area to be Annexed by the City of Welland

(1) The By-laws of the City in force on annexation day shall as of that date extend to the area to be annexed by the City and any Town By-law then in force in the area to be annexed by the City shall as of that date cease to apply to the area.

(2) Notwithstanding subparagraph (1), Zoning By-law No. 279 (1974) as amended, of the Town of Pelham, which shall be in force in the area to be annexed by the City on the day prior to annexation day, shall continue to apply after that date and shall be deemed to have been passed by the Council of the City until such time as it is amended, altered or repealed by the City.

6. Assessments

The Regional Assessment Commissioner shall be requested to prepare the assessment roll for the purposes of taxation on and after the annexation day and subsequent years for the area to be annexed by the City on the same basis that the assessment roll for the City is prepared in order to provide the area to be annexed by the City with an assessment that is equitable to the assessment of real property in the City.

7. Limitation

(1) The Province of Ontario supports and encourages the resolution of the intermunicipal boundary and boundary related issues by the Party Municipalities, pursuant to the Municipal Boundary Negotiations Act, 1981.

(2) The Parties recognize that this Agreement does not in any way bind the Province of Ontario and that,

(a) this Agreement does not imply or anticipate an alteration in the policies or programs of the Province of Ontario, its agencies, boards or commissions; and

(b) the implementation by Order-in-Council of this Agreement does not imply any right to preferred treatment under any programme of the Province of Ontario, its agencies, boards or commissions.

8. This Agreement shall be binding on the successors and assigns to the Parties hereto.

IN WITNESS WHEREOF this Agreement has been executed by the Parties hereto under their respective corporate seal.

THE CORPORATION OF THE CITY OF WELLAND

per Robert Ward MAYOR

per [Signature] CLERK

THE CORPORATION OF THE TOWN OF PELHAM

per E.S. Bergensten MAYOR

per Mary Hackett CLERK

THE REGIONAL MUNICIPALITY OF NIAGARA

APPROVED AS TO FORM

226
REGIONAL SOLICITOR

per John Campbell CHAIRMAN

per Al Rios CLERK

SCHEDULE "A"

AREA TO BE ANNEXED TO THE CITY OF WELLAND

That portion of the Town of Pelham in The Regional Municipality of Niagara described as follows:

BEGINNING at the intersection of the northerly boundary of the City of Welland and the easterly limit of Lot 186 of the former Township of Thorold;

THENCE North $0^{\circ} 36'$ East along that easterly limit 103.16 metres to the northeasterly angle of a Plan registered in the Land Registry Office for the Registry Division of Niagara South (No. 59) as Number 30 and now known as Number 664;

THENCE North $88^{\circ} 59'$ West along the northerly limit of the said Plan 87.86 metres to a point;

THENCE North $88^{\circ} 59'$ West 111.32 metres to a point;

THENCE South $0^{\circ} 35'$ East 94.21 metres to the northerly limit of Lot 13 of the said Plan;

THENCE South $89^{\circ} 24'$ West along the said northerly limit and the said limit prolonged 224.95 metres to the westerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the said westerly limit 12.19 metres to the northerly boundary of the City of Welland;

THENCE easterly along the said northerly boundary to the place of beginning.

