

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 478 (1978)

Being a by-law to ~~acquire~~^{offer to purchase} land in
the core area from the Church and
provide for temporary financing.

WHEREAS Section 336, Subsection 1 of the Municipal
Act R.S.O. 1970 chapter 284 provides that Council of any Corpora-
tion may pass by-laws for acquiring land or expropriating any
land required for the purposes of the Corporation;

AND WHEREAS Section 336, Subsection 3 of the
Municipal Act R.S.O. 1970 chapter 284 provides that, where in
the exercise of its power of acquiring or expropriating land it
appears to the Council that it can acquire a larger quantity of
land from any particular owner at a more reasonable price and
on terms more advantageous than those upon which it could obtain
the part immediately required for its purposes, the Council may
acquire or expropriate such larger quantity and may afterwards
sell and dispose of so much of it as is not so required;

AND WHEREAS under Section 63, s.s. 1 of the Ontario
Municipal Board Act, R.S.O. 1970 chapter 323 provides that
application may be made by Council of the municipality to the
Ontario Municipal Board to dispense with the assent of the
electors if the Board is satisfied after due inquiry that such
assent may under all the circumstances properly be dispensed with;

AND WHEREAS Council is desirous of obtaining a
site for senior citizens and library purposes, or either of them.

AND WHEREAS Council is of the opinion that to
obtain such a site it is necessary to purchase a larger portion
of land than is required for the purpose or purposes aforesaid.

AND WHEREAS Council of the Town of Pelham, by
resolution passed at the July 4th, 1978 meeting of Council,
approved the ~~purchase~~^{portion} of approximately 4.4 acres of land from
the Roman Catholic Episcopal Corporation for the Diocese of St.
Catharines in Canada being composed of Part Block "C", Regis-

tered Plan 25 of the former Village of Fonthill, now in the Town of Pelham and now known as Plan 717;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:-

(1) THAT the Town of Pelham do ^{offer to} purchase ^{up to a maximum of} 4.4 acres of land from the Roman Catholic Episcopal Corporation for the Diocese of St. Catharines in Canada for ^{an amount not to exceed} the sum of \$20,000.00 per acre, ^{total to go W.} cost of said land ^{not to exceed} \$88,000.00. ^{Terms of the said offer to be the same as previously set out in the option agreement.}

(2) THAT the necessary sum of funds to pay for the cost of the land be acquired as follows:-

(a) the 1.8 acres, to be retained for senior citizens and library purposes or either of them, be paid for at ^{a rate not to exceed} \$20,000.00 per acre from the park fund; that the land so acquired be designated and used as a park, and that the park fund be charged ^{up to} \$36,000.00 for the purchase of that portion of the land;

(b) that the balance of the purchase price be paid with funds raised by temporary financing from a chartered bank.

(3) THAT the Treasurer be and is hereby authorized, upon approval being received from the Ontario Municipal Board:-

(a) to agree with any chartered bank (hereinafter called the bank) for temporary advances from time to time not exceeding in the aggregate \$52,000.00 to meet the expenditure required under part 2 (b) of this bylaw, pending the sale of the land over and above what is required;

(b) to do all acts and things and execute and deliver all documents which the bank may reasonably request so that any amount received for or in respect of the project by way of sale of the land or subsidy or contribution by the Province of Ontario or any other source or so much of the foregoing as may be necessary, shall be paid to the bank in repayment of the said advances and interest thereon.

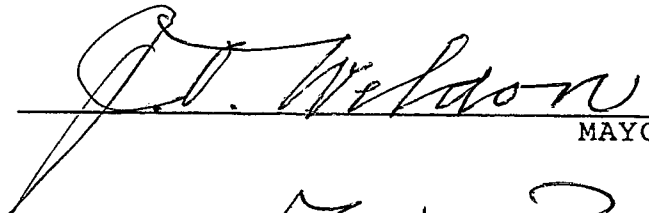
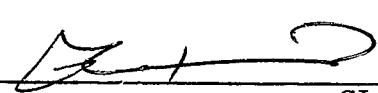
(4) THAT the balance of the lands acquired, over and

above the 1.8 acres, required for senior citizens or library purposes, be sold either in block or in lots for residential purposes, with or without services installed by the municipality.

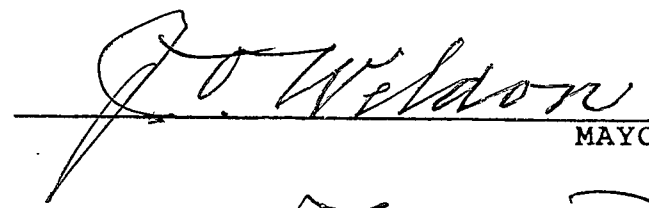
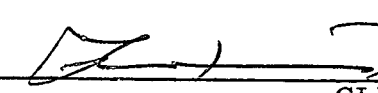
(5) THAT application be made to the Ontario Municipal Board pursuant to Section 63 of the Ontario Municipal Board Act to dispense with the vote of the electors and Section 64 of the Ontario Municipal Board Act for approval of the temporary borrowing.

(6) THAT this by-law shall come into force and take effect upon obtaining the approval of the Ontario Municipal Board.

READ A FIRST AND SECOND
TIME THIS 2nd DAY OF AUGUST,
1978 A.D.


MAYOR

CLERK

READ A THIRD TIME AND FINALLY
PASSED BY COUNCIL THIS 2nd DAY
OF AUGUST, 1978 A.D.


MAYOR

CLERK

DATED: JULY 17th, 1978

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 478 (1978)

BROOKS, MACFARLANE
Barristers & Solicitors
76 Division Street
Welland, Ontario

DMM:pm