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# HALDIMAND COUNTY

## Memorandum LSS-M03-2024 Land Acquisition for New Caledonia Wastewater Treatment Plan – Application to Expropriate For Consideration by Council on January 24, 2024

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**To:** Mayor Bentley and Members of Council  
**From:** Lori Friesen, Manager, Legal & Support Services

At the Council in Committee closed session meeting on October 31, 2023, staff presented Report WWE-01-2023 regarding the Land Acquisition for a New Caledonia Wastewater Treatment Plant (Private & Confidential). This report was an update to P&C Report ECW-05-2022 for Land Purchase for Municipal Infrastructure which established the land purchase budget and approval to purchase the 98 acre property at 4300 River Road in Caledonia. The October report detailed the County's unsuccessful attempts to purchase the land through a conventional purchase and sale process and recommended initiating a legal and necessary expropriation process.

Council supported the staff recommendation, however the report inadvertently excluded a motion for the required by-law to proceed with the expropriation process.

This purpose of this memo is for information/clarity purposes. The draft by-law which enacts Council authorization for the expropriation is presented later in this agenda and is accompanied by two provincial Forms.

- Form 1 - Application for Approval to Expropriate Land (Schedule "A") which is used to apply for approval under the Expropriations Act, R.S.O. 1990, C. E.26. In this case, Haldimand County Council is the authority to grant approval.
- Form 2 - Notice of Application for Approval to Expropriate Land (Schedule "B") will be used to serve notice of the received approval to expropriate the lands to Coscorp Riverside Inc. Additionally, in compliance with the Act, the intent to expropriate will be published in the Haldimand Press once a week for three consecutive weeks.

It is important to note that, although proceeding with the expropriation process, staff are also continuing to actively work towards securing the property through negotiation without resorting to expropriation. If staff successfully negotiate the sale of the land within the approved upset limit outlined in ECW-05-2022, this will help mitigate any perceived negativity associated with expropriation and may reduce legal and process costs related to expropriation.

### REFERENCES:

None.

### ATTACHMENTS:

None.