

THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW NO. 1493 (1992)

Being a by-law to authorize the execution of a Quit Claim of part of the unopened road allowance between Concession 1 and 2, Town of Pelham to Joseph Bruce McLeod and Mary Delphine McLeod.

WHEREAS Joseph Bruce McLeod and Mary Delphine McLeod have requested the Council of the Corporation of the Town of Pelham to release to them any interest that the Town may have in that part of the unopened road allowance between Concessions 1 and 2, Town of Pelham, Regional Municipality of Niagara, which the applicants and their predecessors in title have enjoyed since before 1850 and which said portion of the road allowance is part of that parcel of property described as Part 2 on Reference Plan 59R-1480;

AND WHEREAS it appears to Council that the given road known as Regional Road #28 or Effingham Street was laid out and opened in the place of the subject portion of the unopened road allowance between Concessions 1 and 2;

AND WHEREAS Section 316 of the Municipal Act, R.S.O. 1990, Chapter M.45 states that where a highway for the site of which compensation was not paid has been laid out and opened in place of a whole or any part of the original allowance for road, the owner of the land appropriated for the highway or a successor in title, if that person owns the land that abuts on such allowance, is entitled to the soil and freehold of it and, to a conveyance of it;

AND WHEREAS Council, upon the request of predecessors in title, previously passed By-law #1695 in 1965 authorizing the quit claim of a certain portion of this unopened road allowance pursuant to the predecessor of Section 316 of the Municipal Act;


AND WHEREAS all of the relevant portion of the unopened road allowance should have been quit claimed to the predecessors in title pursuant to the appropriate section of the Municipal Act;

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

(1) THAT a quit claim of the Town's interest in Part 2 on Reference Plan 59R-1480, registered in the Land Registry Office for the Land Registry Division of Niagara South be and the same is hereby authorized.

(2) THAT the Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal of the Corporation of the Town of Pelham to the quit claim and to deliver same to Joseph Bruce McLeod and Mary Delphine McLeod.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
15th. DAY OF JUNE, 1992 A.D.

  
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MAYOR

  
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CLERK