

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW #180 (1973)

BEING A BY-LAW TO AMEND BY-LAW NO. 1589, AS AMENDED.

WHEREAS By-law No. 1589 entitled "A By-law to prohibit the making of or establishment of gravel pits and stone quarries in the Township of Pelham" was passed on the 17th. day of May, 1961.

AND WHEREAS the said By-law has been amended by the Council of the Corporation of the Township of Pelham by By-laws Numbers 1593, 1700, 1806, 1812 and 162 (1972), each permitting enlargement of the then existing pits and quarries.

AND WHEREAS the Township of Pelham became a part of the Town of Pelham under the Regional Municipality of Niagara Act R.S.O. 1970, Chapter 406,

AND WHEREAS application has been made to further amend By-law No. 1589 by exempting therefrom the lands and premises described in Schedule "A" hereto attached,

AND WHEREAS the responsibility for regulating and controlling the operations and the rehabilitation of Pits and Quarries throughout the Province has been assumed by the Government of Ontario under the Pits and Quarries Control Act of 1971, as amended.

AND WHEREAS the owners and operators of the lands described in Schedule "A" hereto represent that they have now a good and valid licence under the said Pits and Quarries Control Act to open, establish or operate a pit or quarry on lands described in the said licence as Part Lot 12, Concession 7, Pelham, Regional District of Niagara.

AND WHEREAS the said owners and operators of the said lands have requested Council to pass this By-law and Council considers it desirable, under the circumstances, to further amend the said By-law No. 1589.

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

- (1) By-law No. 1589 as amended be and the same is hereby further amended by adding thereto paragraph 2 (k) as follows:-

- 2 (k) 1. The lands described in Schedule "A" hereto and made a part of this By-law be and the same are hereby exempted from the provisions of By-law No. 1589
2. By-law No. 1589 is amended only to the extent necessary to give effect to the provisions of this By-law.
3. Insofar as the authority of Council is deemed to exist this By-law shall take effect from the passing thereof.
4. If the owners (applicant) of the lands herein described consider Ontario Municipal Board approval necessary or desirable Council will upon written request and at the expense of the applicant, make application to the Ontario Municipal Board for approval of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18th.
DAY OF June, 1973.


MAYOR


CLERK

SCHEDULE "A"

RE: MOYER SAND AND GRAVEL

ALL AND SINGULAR THAT certain parcel or tract of land and premises situate lying and being in the Township of Pelham in the County of Welland, and being composed of part of Lot 12, in the 7th. Concession of the said Township and which said parcel may be more particularly described as follows:

COMMENCING at the south-westerly angle of said lot;
THENCE Easterly along the Southerly limit of the said lot a distance of 396" to a point which said point is the point of beginning of the herein described parcel;

THENCE continuing Easterly along the said Southerly boundary of the said lot a distance of six hundred and ninety-four and sixty-eight one hundreds feet more or less to a point in the Westerly boundary of the lands described in instrument number 12613

THENCE Northerly parallel to the Easterly limit of the said lot a distance of three hundred and seventy nine feet and five tenth's feet more or less to the north Westerly angle of the said lands described in said instrument number 12613

THENCE Easterly parallel to the Southerly limit of the said lot, in the northerly boundary of the lands described in instrument number 12613, a distance of two hundred and twenty-nine feet and five tenth's feet more or less to the Easterly limit of the said lot

THENCE Northerly in the Easterly limit of the said lot a distance of eight hundred and twenty-one and nine tenth's feet more or less to the southerly boundary of the lands described in instrument number 5,2110A

THENCE Westerly, parallel to the southerly limit of the said lot in the southern boundary of the lands described in instrument number 5,2110A, a distance of nine hundred and forty and ninety-three one hundred's feet, more or less to the Easterly boundary of the lands described in instrument number 9746

THENCE Southerly parallel to the Westerly limit of the said lot a distance of eleven hundred and eighty-nine feet more or less to the southerly limit of the said lot and the point of beginning of the herein described parcel containing twenty-three and nine tenth's

Saving and excepting thereout and therefrom that certain portion of Lot 12, in the 7th. Concession of the said Township expropriated by the Department of Highways of the Province of Ontario; and being part of Lot 1, Plan P-1910-21 which was registered in the Registry Office for the County of Welland by instrument number 27390B on the 9th. day of June, 1965

ALL AND SINGULAR that certain lands parcel or tract of land and premises, situate, lying and being in the Town of Pelham, in the Regional Municipality of Niagara, formerly in the Township of Pelham, in the County of Welland and being composed of Part of Lot 12 in the Seventh Concession of the said Township containing by admeasurement 10.82 acres, be the same more or less and which said parcel may be more particularly described as follows:

PREMISING that the bearing of the Easterly limit of said Lot 12 is North 1 degree 23 minutes 30 seconds West astronomic and relating all bearings herein thereto

COMMENCING at an iron tube planted in the said Easterly limit of Lot 12, distant therein 1199.9 feet measured North 1 degree 23 minutes 30 seconds west from the south-east angle of said Lot 12; THENCE, North 1 degree 23 minutes 30 seconds West, in the said Easterly limit, 505.6 feet to an iron bar;

THENCE, South 88 degrees 32 minutes West, 939.9 feet to an iron bar;

THENCE, South 1 degree 17 minutes 30 seconds East, to and along a fence line, 496.9 feet to an iron tube

THENCE, North 89 degrees 03 minutes 30 seconds East, 940.7 feet more or less to the POINT OF COMMENCEMENT.