

BY-LAW NUMBER # 188, 1973

OF THE CORPORATION OF THE TOWN OF PELHAM

A BY-LAW TO AUTHORIZE THE STOPPING UP, CLOSING AND CONVEYANCING THOSE PARTS OF A HIGHWAY IN THE TOWN OF PELHAM, REGIONAL MUNICIPALITY OF NIAGARA, (BEING PARTS OF BERKHOUT TERRACE) AS SHOWN ON REGISTERED PLAN N.S. 23, NIAGARA SOUTH.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM HEREBY ENACTS AS FOLLOWS:

1. From and after the final passing of this By-law, those parts of a Highway in the Town of Pelham, Regional Municipality of Niagara, (being parts of Berkhout Terrace) as shown on registered Plan N.S. 23, for the Registry Division of Niagara South as more particularly described in Section 2 of this By-law is hereby stopped up, closed and conveyed.

2. Those parts of the Highway all as referred to in Section 1 of this By-law more particularly described as follows:-

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Town of Pelham in the Regional Municipality of Niagara and being composed of:

FIRSTLY: Lot 33, Block B, part of Block C and part of Berkhout Terrace, according to Registered Plan N.S. 23, for the Registry Division of Niagara South, said parcel being more particularly described as follows:

COMMENCING at the south-easterly angle of Lot 27 according to said Registered Plan N.S. 23;

THENCE S 75° 57' 30" E in the easterly production of the southerly limit of

said Lot 27, 77.28 feet to a standard iron bar;

THENCE N 89° 25' 30" E, 5.15 feet to the easterly limit of said Block C, said easterly limit being a curve to the right having a radius of 50.0 feet;

THENCE southerly, westerly and northerly in the arc of said curve, being the limits of Block C, Lot 33 and Block B, 217.55 feet more or less to the point of commencement, said arc having a chord of 82.27 feet measured on a bearing of N 76° 51' 45" W.

SECONDLY: Part of Block C and Berkhout Terrace according to said Registered Plan N.S. 23, said parcel being more particularly described as follows:

COMMENCING at the south-easterly angle of Lot 27 according to Registered Plan N.S. 23;

THENCE S 75° 57' 30" E in the easterly production of the southerly limit of said Lot 27, 77.28 feet to a standard iron bar;

THENCE N 89° 25' 30" E, 5.15 feet to the easterly limit of said Block C, said easterly limit being a curve to the left having a radius of 50.0 feet;

THENCE north-westerly in the arc of said curve 23.93 feet to a standard iron bar at the south-westerly angle of Lot 26 according to Registered Plan N.S. 23, said arc having a chord of 23.93 feet measured on a bearing of N 35° 13' W;

THENCE N 7° 14' W along the westerly limit of said Lot 26, 51.18 feet to a standard iron bar marking the beginning of a curve to the right having a radius of 44.5 feet;



THENCE northerly, continuing along the westerly limit of said Lot 26, being in the arc of said curve, 20.84 feet to its intersection with a curve to the right having a radius of 63.0 feet, said last mentioned arc having a chord of 20.65 feet measured on a bearing of N 6° 10' 52" E;

THENCE north-westerly in the arc of said curve having a radius of 63.0 feet, a distance of 71.77 feet measured along a chord of 67.95 feet having a bearing of N 48° 31' 21" W to its intersection with the easterly limit of Lot 28 according to said Registered Plan N.S. 23, said easterly limit being a curve to the left having a radius of 110.5 feet;

THENCE south-westerly along the arc of said curve 77.30 feet to a standard iron bar marking the end thereof, said arc having a chord of 75.73 feet measured on a bearing of S 12° 48' 22" W;

THENCE S 7° 14' E along the easterly limit of Lot 27 according to said Registered Plan N.S. 23, 43.48 feet more or less to the point of commencement.

THIRDLY: Part of Berkhout Terrace according to said Registered Plan N.S. 23, said parcel being more particularly described as follows:

COMMENCING at a standard iron bar in the easterly limit of Lot 22 according to said Registered Plan N.S. 23, distant therein 34.58 feet measured on a bearing of S 0° 15' 30" E from the north-easterly angle thereof;

THENCE south-westerly in the westerly limit of Berkhout Terrace, being the arc of a curve to the left having a radius of 63.0 feet, a distance of 61.58 feet, said arc having a chord of 59.16 feet measured on a bearing of S 30° 09' 20" W;

THENCE N 89° 25' 30" E, 4.96 feet to a standard iron bar marking the beginning of a curve to the left having a radius of 25.14 feet;

THENCE north-easterly in the arc of said curve 39.35 feet to the end thereof, said arc having a chord of 35.45 feet measured on a bearing of N 44° 35' E;

THENCE N 0° 15' 30" <sup>W-VK</sup> E, 25.92 feet more or less to the point of commencement.

3. The lands hereinbefore described are not now required for the purposes of the Corporation and pursuant to Section 443 of The Municipal Act R.S.O. 1970, Chapter 284, the soil and freehold thereof shall be sold and conveyed to Group 2 Development Limited being the owners of the lands abutting the said Parts of a Highway, or to such other person or persons, firm or corporation, as Group 2 Development Limited may direct, for the sum of One Dollar (\$1.00) plus the legal and advertising expenses of the Corporation in connection with the closing and conveyance, and the Mayor and Clerk-Treasurer are authorized to execute a conveyance of the said lands under the corporate seal and to deliver the said conveyance to the Grantees.

By-law read a first time this 3rd day of July, 1973.

"H. E. Beane"  
Mayor

"L. C. Hunt"  
Clerk-Treasurer

By-law read a second and third times and finally passed this 13th day of August, 1973.

"H. E. Beane"  
Mayor

"L. C. Hunt"  
Clerk-Treasurer

THE  
OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF NEW YORK  
ALBANY

TO THE  
COMMISSIONERS OF THE  
LAND OFFICE  
ALBANY

RE: THE  
LANDS OF THE  
STATE OF NEW YORK  
IN THE  
COUNTY OF ALBANY

IN SENATE,  
JANUARY 10, 1913.

DATED:

Aug 13th

, 1973.

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AND CONVEYANCING THOSE PARTS OF A HIGHWAY IN  
THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY  
OF NIAGARA, (BEING PARTS OF BENOIST TERRACE)  
AS SHOWN ON REGISTERED PLAN N.S. 23, NIAGARA  
SOUTH.

Robert W.  
Aug 29th 73  
No. 195263

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TMB:vk