

**THE CORPORATION OF THE
TOWN OF PELHAM**

BY-LAW #272 (2001)

Being a by-law to convey a portion of the road allowance between Lots 4 and 5, Concession 4, Town of Pelham to Russell Robert Keith Dickson pursuant to Section 316 of the *Municipal Act*, R.S.O. 1990, c. M.45.

WHEREAS Russell Robert Keith Dickson, deceased, (the "Owner") is the owner of lands known municipally as 2165 Effingham Street, Ridgeville, Ontario and more particularly described in a deed registered on the 20th day of August, 1965 as instrument No. 31549B (the "Dickson Lands");

AND WHEREAS there is a portion of the road allowance between Lots 4 and 5, Concession 4, Town of Pelham located within the Dickson Lands and more particularly described in Schedule "A" (the "Road Allowance Portion");

AND WHEREAS it appears that Sulphur Springs Drive was laid out and opened up in the place of the road allowance between Lots 4 and 5, Concession 4, Town of Pelham, or more particularly in place of at least the Road Allowance Portion;

AND WHEREAS it appears from a search of the records of The Corporation of the Town of Pelham and its predecessors that no compensation was ever paid to anyone for the laying out and opening up of Sulphur Springs Drive;

AND WHEREAS Section 316 (1) of the Act provides that "Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an 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 Section 316 (2) of the Act provides that "Where the land that so abuts is owned by more persons than one, each is entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which that person's land abuts to the middle line of the allowance";

AND WHEREAS in addition to previous evidence given, the Owner, through his representatives, has satisfied The Corporation of the Town of Pelham that the facts of this situation meet the requirements of Section 316 of the *Municipal Act*, R.S.O. 1990, c. M.45 (the "Act");

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

(1) **THAT** the portion of the road allowance between Lots 4 and 5, Concession 4, Town of Pelham, being more particularly described in Schedule "A", be hereby conveyed to Russell Robert Keith Dickson pursuant to Section 316 of the *Municipal Act*, R.S.O. 1990, c. M.45;

(2) **THAT** all costs associated with the conveyance and all other matters that have occurred related to the subject matter and to the conveyance including, but not limited to, legal fees

and expenses, registration costs and other such expenses shall be the responsibility of Russell Robert Keith Dickson; and

(3) **THAT** the Mayor and Clerk be and are hereby authorized to execute all documents necessary to complete the conveyance of the relevant portion of the road allowance to Russell Robert Keith Dickson;

**READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS**

2nd. DAY OF APRIL , 2001 A.D.



MAYOR - RALPH BEAMER



CLERK - CHERYL MICLETTE

SCHEDULE "A"

Part of the road allowance between Lots 4 and 5, Concession 4, Town of Pelham, Regional Municipality of Niagara, located within Part of Lot 5, Concession 4, Town of Pelham, Regional Municipality of Niagara, formerly Township of Pelham, County of Welland and more particularly described as follows:

COMMENCING at the north-west angle of said Lot 5;

THENCE south 1 degree 38 minutes and 20 seconds east in the line between Lots 5 and 6, 1,530.4 feet to a point in the northerly boundary of Effingham Road;

THENCE south 71 degrees 31 minutes and 50 seconds east in the said northerly boundary, 313.45 feet;

THENCE south 80 degrees 30 minutes and 30 seconds east continuing in the said boundary 548.2 feet to a point which said point is the place of beginning of the herein described property;

THENCE north 7 degrees 17 minutes and 50 seconds east 386.2 feet;

THENCE south 82 degrees 42 minutes and 10 seconds east 413.3 feet to a fence;

THENCE south 3 degrees and 27 minutes east in and along the said fence 189.1 feet;

THENCE south 11 degrees 33 minutes and 50 seconds west continuing in and along the said fence 570.8 feet to a point in the northerly boundary of Luffman Drive;

THENCE south 76 degrees 55 minutes and 30 seconds west in the said northerly boundary 112.58 feet to a point in the easterly boundary of Effingham Road;

THENCE north 1 degree 47 minutes and 50 seconds west continuing in the said last mentioned boundary 217.58 feet to an angle therein;

THENCE north 45 degrees 43 minutes and 50 seconds west continuing in the said boundary 319.85 feet to an angle therein;

THENCE north 80 degrees 30 minutes and 30 seconds west continuing in the said boundary 10.98 feet more or less to the place of beginning.

CONTAINING by admeasurement 5.73 acres more or less.////