

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #2518 (2003)

Being a by-law to authorize the execution of a deed to Jeff Kelly and Krystyna Kelly for part of the road allowance between Lots 5 and 6, Concession 9, in the Town of Pelham, in the Regional Municipality of Niagara, and more particularly described in Schedule "A" attached hereto.

WHEREAS Section 67 (1) of the Municipal Act, 2001, c.25, provides that a person in possession of an original road allowance or a predecessor in title of that person opened a highway in the place of the original road allowance on that person's land without receiving compensation for the land and the person is in possession of all or part of the original road allowance, that person is entitled to the soil and freehold of the allowance or part of it and to a conveyance of the original road allowance or part of it;

AND WHEREAS Jeff Kelly and Krystyna Kelly and their predecessors in title as registered owners of Part of Lots 5 and 6, Concession 9, in the Town of Pelham have also been in possession of part of the road allowance between Lots 5 and 6, Concession 9, in the Town of Pelham, in the Regional Municipality of Niagara, and more particularly described in Schedule "A" attached hereto;

AND WHEREAS that portion of Effingham Street as shown on the attached Schedule "B" has been assumed for public use by way of public funds being expended for its repair and maintenance;

AND WHEREAS the subject portion of the road allowance between Lots 5 and 6, Concession 9, in the Town of Pelham, is, in the opinion of the Council, not needed by the Corporation of the Town of Pelham;

AND WHEREAS it appears to the satisfaction of Council that no compensation was ever received nor has a conveyance been given in exchange for the lands establishing a new road as shown on the attached Schedule "B";


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

- (1) THAT the subject portion of the road allowance as described in Schedule "A" be closed and conveyed to Jeff Kelly and Krystyna Kelly and that the deed to carry out this conveyance is hereby approved and authorized.

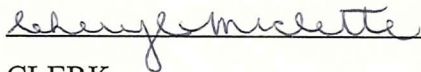
(2) THAT all costs associated with the conveyance and all other matters that have occurred related to the subject matter and to the conveyance including, but not limited to, legal fees and expenses, registration costs and other such expenses shall be the responsibility of Jeff & Krystyna Kelly.

(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 Jeff & Krystyna Kelly.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
6th. DAY OF OCTOBER, 2003 A.D.



MAYOR



CLERK

SCHEDULE "A"
TO BY-LAW #2518 (2003)

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Pelham, in the Regional Municipality of Niagara and being composed of that part of the road allowance between Lots 5 & 6, Concession 9 and designated as Part 11, Plan RD-18.

