

BY-LAW NO. 639 (1980)

OF THE CORPORATION OF THE TOWN OF PELHAM

A BY-LAW TO AUTHORIZE THE EXECUTION OF A QUIT CLAIM DEED TO THOMAS PONGRAY AND HEATHER PONGRAY OF PART OF THE ROAD ALLOWANCE BETWEEN LOTS 6 AND 7, CONCESSION 8, IN THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA AND MORE PARTICULARLY DESCRIBED IN SCHEDULE "A" ATTACHED HERETO AND THE EXECUTION OF A QUIT CLAIM DEED TO JAMES MARTIN BURTON McCLELLAN AND DOROTHY MARGARET McCLELLAN OF PART OF THE ROAD ALLOWANCE BETWEEN LOTS 7 AND 7, CONCESSION 8, IN THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA AND MORE PARTICULARLY DESCRIBED IN SCHEDULE "B" ATTACHED HERETO.

WHEREAS Section 463 of the Ontario Municipal Act RSO 1970 Chapter 284, provides that a person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it is entitled to the soil and freehold of such allowance or part of it and, if it has not already been conveyed to him or to his predecessor in title, to a conveyance of it.

AND WHEREAS Thomas Pongray and Heather Pongray and their immediate predecessor in title Lloyd C. Patrick and their predecessors in title as registered owners of part of lot 6, Concession 8, in the Town of Pelham have also been in possession of part of the road allowance between Lots 6 and 7, Concession 8, in the Town of Pelham, in the Regional Municipality of Niagara and more particularly described in Schedule "A" attached hereto.

AND WHEREAS James Martin Burton McClellan and Dorothy Margaret McClellan and their predecessors in title as registered owners of part of lot 6, Concession 8, in the Town of Pelham have also been in possession of part of the road allowance between lots 6 and 7, Concession 8, in the Town of Pelham, in the Regional Municipality of Niagara and more particularly described in Schedule "B" attached hereto.

AND WHEREAS it appears to the satisfaction of Council that a by-law passed by the Council of the former Township of Pelham on the 17th day of December A.D. 1867 and entitled "Chapter 218", recognized a given travelled road between lots 5 and 6, Concessions 6, 7 and 8, in lieu of the road allowance between lots 6 and 7 as set out in the original survey.


AND WHEREAS the road allowance between lots 6 and 7, Concession 8, in the Town of Pelham, is in the opinion of the Council useless to the public.

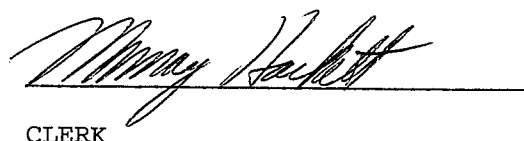
AND WHEREAS it appears to the satisfaction of Council that no compensation was ever received nor has a conveyance been given in exchange for the lands establishing a new road along the easterly limit of lot 6.

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

1. That a Quit Claim Deed be given to Thomas Pongray and Heather Pongray of that part of the unopened road allowance between lots 6 and 7, Concession 8, in the Town of Pelham, in the Regional Municipality of Niagara, as set out in Schedule "A" attached hereto and the same deed is hereby approved and authorized.
2. That a Quit Claim Deed be given to James Martin Burton McClellan and Dorothy Margaret McClellan of that part of the unopened road allowance between lots 6 and 7, Concession 8, in the Town of Pelham, in the Regional Municipality of Niagara, as set out in Schedule "B" attached hereto and the same deed is hereby approved and authorized.
3. That the Mayor and Clerk be and each of them is hereby authorized and instructed on behalf of the Corporation to execute the said Quit Claim Deeds and the Clerk is hereby authorized to affix the Corporate Seal and deliver the said deeds to the said Thomas Pongray and Heather Pongray and to James Martin Burton McClellan and Dorothy Margaret McClellan.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN COUNCIL
THIS 5th. DAY OF AUGUST, 1980.


MAYOR


CLERK

SCHEDULE "A"

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 the Province of Ontario formerly in the Township of Pelham, in the County of Welland and being composed of part of the road allowance between Lots 6 and 7, in the eight concession of the said Township of Pelham containing by admeasurement 1.416 acres more or less shown outlined in red on the attached sketch and being more particularly described as follows:

COMMENCING at an iron tube found in the easterly limit of said Lot 7 distant therein north 2 degrees 03 minutes 50 seconds west 198.00 feet from a standard iron bar found at the intersection of the northerly limit of Canboro Road with the said easterly limit of Lot 7 as shown on a Plan of Survey registered in the Land Registry Office for the Registry Division of Niagara South (No. 59) as Plan 59R-1809;

THENCE north 2 degrees 03 minutes 50 seconds west in the easterly limit of said Lot 7, 927.8 feet to an iron tube found;

THENCE north 88 degrees 47 minutes 40 seconds east 66.01 feet more or less to a point in the westerly limit of said Lot 6;

THENCE south 2 degrees 03 minutes 50 seconds east in the westerly limit of said Lot 6, 1003.28 feet to a point;

THENCE south 86 degrees 07 minutes 40 seconds west 6.35 feet to a stone monument found;

THENCE north 1 degree 48 minutes 20 seconds west 77.00 feet to an iron tube found;

THENCE south 87 degrees 37 minutes 10 seconds west 60.00 feet more or less to the Point of Commencement.

PREMISING that all bearings herein are referred to part of the easterly limit of said Lot 7 as shown on said Plan 59R-1809 to have a bearing of north 2 degrees 03 minutes 50 seconds west.

PART OF THE ROAD ALLOWANCE
BETWEEN LOTS 6 AND 7
CONCESSION 8
IN THE FORMER TOWNSHIP OF PELHAM
COUNTY OF WELLAND
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

S C H E D U L E "B"

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 the Province of Ontario formerly in the Township of Pelham, in the County of Welland and being composed of part of the road allowance between Lots 6 and 7, in the eighth concession of the said Township of Pelham containing by admeasurement 0.278 acres more or less, shown outlined in read on the attached sketch and being more particularly described as follows:

COMMENCING at a standard iron bar found at the intersection of the northerly limit of Canboro Road with the said easterly limit of Lot 7 as shown on a Plan of Survey registered in the Land Registry Office for the Registry Division of Niagara South (No. 59) as Plan 59R-1809:

THENCE North 2 degrees 03 minutes 50 seconds west in the easterly limit of said Lot 7, 198.0 feet to an iron tube found;

THENCE North 87 degrees 37 minutes 10 seconds east 60.0 feet to an iron tube found;

THENCE South 1 degree 48 minutes 20 seconds east 77.0 feet to a stone monument found;

THENCE North 86 degrees 07 minutes 40 seconds east 6.35 feet more or less to a point in the westerly limit of said Lot 6;

THENCE South 2 degrees 03 minutes 50 seconds east in the westerly limit of said Lot 6 106.02 feet more or less to a point in the northerly limit of Canboro Road;

THENCE South 74 degrees 42 minutes 50 seconds west along the said northerly limit 67.80 feet more or less to the Point of Commencement.

PREMISING that all bearings herein are referred to part of the easterly limit of said Lot 7 as shown on said Plan 59R-1809 to have a bearing of north 2 degrees 03 minutes 50 seconds west.

SKETCH TO SHOW

PART OF THE ROAD ALLOWANCE
BETWEEN LOTS 6 AND 7
CONCESSION 8
IN THE FORMER TOWNSHIP OF PELHAM
COUNTY OF WELLAND
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

ATTACHMENT TO SCHEDULE "B"

SCALE : 1" = 50'

