

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. 8229

A By-law to stop up, close and sell an alley lying to the east of Lots 465, 466 and 467, Registered Plan 1017.

WHEREAS the registered owners of Lot Lots 465, 466 and 467, Registered Plan 1017, have made an application to the Corporation to close and purchase an alley lying to the west of their lands;

AND WHEREAS the registered owners of Lot 558, Registered Plan 1017, which lands abut the said alley, have failed to express an interest in buying their share of the said alley, despite having been given the opportunity to do so;

AND WHEREAS the Council of the Corporation deems it expedient to grant this request;

AND WHEREAS by virtue of the provisions of Section 34 of the *Municipal Act, 2001*, R.S.O. 2001, c. 25, as amended, a by-law permanently closing a highway, including a lane on a registered plan of subdivision, does not take effect until a certified copy of the by-law is registered in the appropriate Land Registry Office;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LASALLE HEREBY ENACTS AS FOLLOWS:

1. That the alley on Registered Plan 1017 abutting Lots 465, 466 and 467, Registered Plan 1017, in the Town of LaSalle, in the County of Essex be and the same is hereby stopped up and closed.

SUBJECT to a perpetual easement in favour of Essex Powerlines Corporation, their successors and assigns, on, in, over, under, across and along the lands herein described for the purposes of constructing, maintaining, replacing, altering and repairing their equipment, plants, services, lines, poles, pipes, wires, conduits, cables and all appurtenances thereto for the carrying and providing any and all public and private utilities and services in the course of their operation, with the right by their agents, servants and workmen to enter upon the said lands at all reasonable times for the purposes aforesaid.

PROVIDED that all costs and expenses incurred in connection with this matter be borne by the applicant/ratepayers concerned.

2. Upon completion of the closing of that alley more particularly described in Section 1 herein, that the said alley so closed may be sold to the owners of Lots

465, 466 and 467, Registered Plan 1017, at a sale price of \$1.00 per square foot plus H.S.T. where there is an easement, and at a sale price of \$1.50 per square foot plus H.S.T. where there is no easement, plus any and all costs incurred by the Corporation in completing the said sale.

3. It is hereby confirmed the lands described in Section 1 of this By-law are surplus to the needs of the Corporation.

4. (1) In the event the owner of land abutting the said alley does not purchase the said alley so closed within the time frame as determined by the Chief Administrative Officer of the Corporation, the Corporation may issue an Order to the said owner:

- (a) to stop using any portion of the Corporation's alley; and
- (b) to remove any and all structures or other items that may be on the Corporation's alley; and
- (c) to install a fence or erect some other physical barrier along the limit of the alley to delineate the boundary limit between the private property and the property of the Corporation, which barrier shall be of a sufficient type and size to prevent the use of the Corporation's property by the said property owner.

(2) Any Order issued by the Corporation may also provide that in the event any property owner fails to comply with the provisions of the Order, the Corporation may remove the structures or other items from the Corporation's alley, and may erect a fence along the limits of the Corporation's alley that are abutting the adjacent property, at that property owner's expense.

(3) The Corporation may also sell the said portion of the alley to any person who may be interested in purchasing same.

5. The Mayor and the Clerk of the Corporation be and they are hereby authorized to do all acts and sign all documents which may be necessary to complete the sale of the said alley so closed as provided herein, and to otherwise carry out the intent of this By-law.

6. This By-law shall come into force and take effect after the final passing thereof on the date upon which this By-law is registered in the Land Registry Office for the County of Essex (No.12).

READ a first and second time and **FINALLY PASSED** this 13th day of November, 2018.

1st Reading – November 13, 2018

MAYOR- K. ANTAYA

2nd Reading – November 13, 2018

3rd Reading – November 13, 2018

DEPUTY CLERK – L. JEAN