

# THE CORPORATION OF THE TOWN OF LASALLE

## BY-LAW NO. 8234

A By-law to stop up, close and sell portions of an alley lying on Registered Plan 777, and an alley and parts of Kenwood Boulevard (formerly Kensington Boulevard), Registered Plan 848.

**WHEREAS** the registered owners of Lots 137 to 145 and Lot 150 to 163, Registered Plan 847, and of Lots 287 to 315, Registered Plan 848, have made an application to the Corporation to close and purchase certain alleys and portions of Kenwood Boulevard lying adjacent to their lands;

**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 777 abutting Lots 145 to 163, Registered Plan 777, 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 The Corporation of the Town of LaSalle its successors and assigns, on, in, over, under, across and along the lands herein described for the purposes of constructing, maintaining, replacing, altering and repairing private rear yard drainage systems to be constructed for benefit of property owners to the north thereof along Maple Avenue, and all appurtenances thereto with the right by their agents, servants and workmen to enter upon the said lands at all reasonable times for the purposes aforesaid.

**SUBJECT** to a perpetual easement in favour of Bell Canada, its successors and assigns, on, in, over, under, across and along the lands herein described for the purposes of constructing, maintaining, replacing, altering and repairing its equipment, plants, services, lines, poles, pipes, wires, conduits, cables and all appurtenances thereto for the carrying and providing any and all telecommunication 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. The alley lying on Registered Plan 847 abutting Lots 131 to 134, Registered Plan 847, 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 Bell Canada, its 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 telecommunication 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.

3. That those portions of Kenwood Boulevard (formerly Kensington Boulevard), Registered Plan 848 designated as Parts 18 and 19, Parts 57 to 78 both inclusive, and Part 90, Reference Plan 12R-27558, in the Town of LaSalle, in the County of Essex be and the same are hereby stopped up and closed.

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

4. (1) Upon completion of the closing of those alleys and portions of Kenwood Boulevard (formerly Kensington Boulevard) more particularly described in Sections 1, 2 and 3 herein, that the said alleys and portions of Kenwood Boulevard so closed may be sold at a sale price of \$1.50 per square foot plus H.S.T. where there is no easement, and at a sale price of \$1.00 per square foot plus H.S.T. where there is an easement, plus any and all costs incurred by the Corporation in completing the said sale.  
 (2) In addition, those portions of Block "T" and Block "U", Registered Plan 848 in the Town of LaSalle, in the County of Essex now designated as Parts 45 to 56 both inclusive on Reference Plan 12R-27558 may be sold to the owners of land abutting same at a sale price of \$1.50 per square foot plus H.S.T., plus any and all costs incurred by the Corporation in completing the said sale
5. (1) In the event any owner of land abutting the said alleys and streets does not purchase their proportionate share of the said alleys and streets 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 or street; and
  - (b) to remove any and all structures or other items that may be on the Corporation's alley or street; and
  - (c) to install a fence or erect some other physical barrier along the limit of the alley adjacent to that owner's land 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 any 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.

- 6. It is hereby confirmed the lands described in Sections 1, 2, 3 and 4(2) of this By-law are surplus to the needs of the Corporation.
- 7. The Corporation may sell the said portion of the said lands as provided herein to any person who may be interested in purchasing same.
- 8. The Mayor and the Deputy-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 lands as provided herein, and to otherwise carry out the intent of this By-law.
- 9. 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 13<sup>th</sup> day of November, 2018.

1st Reading – November 13, 2018	_____
2nd Reading – November 13, 2018	Mayor
3rd Reading – November 13, 2018	_____
	Deputy Clerk