



# The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 152-2000

---

**BEING A BY-LAW TO ACCEPT LAND AND DECLARE AS A PUBLIC  
HIGHWAY – EMERICK AVENUE, WEST OF NIAGARA BLVD (120902)**

---

**WHEREAS** Section 191(1) of the *Municipal Act*, R.S.O. 1990, Chapter M45 provides that the council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation and for erecting and repairing buildings thereon and for making additions to or alterations of such buildings, and may sell or otherwise dispose of same when no longer so required, and

**WHEREAS** Instrument No. 5663 is a Deed from Luella Whitelock in favor of the Municipal Corporation of the Town of Bridgeburg registered on the 1<sup>st</sup> day of December, 1931 for purposes of a public highway, and

**WHEREAS** as a result of a real estate transaction, a search of the records indicates that a by-law was not passed or registered to accept and dedicate the deeded lands as a public highway, and

**WHEREAS** the Corporation of the Town of Fort Erie is the successor municipality to the Town of Bridgeburg, and

**WHEREAS** recognizing Emerick Avenue as a public highway under common law, it is deemed desirable to confirm the dedication by by-law and register same;

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** the conveyance of lands by Luella Whitelock by Deed No. 5663 registered December 1, 1931 for lands described as Part of Lot 44 on the north side of Emerick Avenue according to Registered Plan 7197 for the former Township of Bertie, NP 363 for the Town of Fort Erie and more particularly described in Schedule "A" annexed hereto be and they are hereby accepted.
2. **THAT** the conveyance of the subject lands as described in Section 1 hereof are hereby declared as a public highway.
3. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute any documentation necessary to complete this matter.

**BY-LAW 152-2000**  
**PAGE TWO**

4. **THAT** the Applicant's Solicitor shall register the by-law in the local Land Registry Office at his client's expense.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21<sup>st</sup> DAY OF AUGUST, 2000.**

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 152-2000 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_

## **SCHEDULE "A" TO BY-LAW NO. 152-2000**

### SCHEDULE FOR DESCRIPTION

ALL AND SINGULAR, that certain parcel or tract of land lying and being in the former Town of Bridgeburg, County of Welland, Province of Ontario, now in the Town of Fort Erie, in the Regional Municipality of Niagara, being composed of a portion of the south easterly part of Lot 44, Reg. Plan No. 7197, as the same is shown on the Corporation Plan No. 24, registered as such in the Registry Office for the former County of Welland, now in the Regional Municipality of Niagara: the said parcel of land having a frontage on Emerick Avenue of 180 feet and frontage on Niagara Street of 8 feet and which parcel of land may be more particularly described as follows:

COMMENCING at the south easterly angle of Lot No. 44, aforesaid, the said south easterly angle being also the north westerly angle of Emerick Avenue and Niagara Street,

THENCE westerly along the north limit of Emerick Avenue, 180 feet more or less, to the south westerly angle of lands now owned by Whitelock.

THENCE northerly along the westerly limit of said lands of Whitelock, two feet (2') to a point.

THENCE easterly in a straight line to a point on the westerly limit of Niagara Street which is distant 8 feet measured northerly along the westerly limit of Niagara Street from its intersection with the northerly limit of Emerick Avenue.

THENCE southerly along the westerly limit of Niagara Street to the place of beginning.

The above described parcel of land being lands to be acquired by the Town of Bridgeburg for street widening purposes.