



The Municipal Corporation of the Town of Fort Erie

By-law No. 30-2022

Being a By-law to Accept and Declare Lands as Public Highway within the Elizabeth Road Subdivision, on the East and West sides of Cherrywood Avenue and the North and South sides of Elizabeth Road Crystal Beach Estates Inc. (Jose Marques)

Whereas By-law No. 124-2018 was passed on September 24, 2018, authorizing the entry into a Subdivision Agreement with Crystal Beach Estates Inc. for the Elizabeth Road Subdivision; and

Whereas pursuant to the Subdivision Agreement, the Owner/Developer, Crystal Beach Estates Inc., is required to convey lands to The Corporation of the Town of Fort Erie for road widening purposes, on the east and west sides of Cherrywood Avenue and the north and south sides of Elizabeth Road, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of the Cherrywood Avenue and Elizabeth Road road allowances;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following acceptance of land from Crystal Beach Estates Inc., for road widening purposes, free and clear of all encumbrances, is authorized and approved:
 - i) Part of Lot 2, Plan 431, Bertie; Fort Erie, designated as Part 1 on Reference Plan 59R-17136, being part of PIN 64183-0086 (LT);
 - ii) Part of Lots 30 and 33, Plan 431, Bertie; Fort Erie, designated as Part 5 on Reference Plan 59R-17136, being part of PIN 64183-0084 (LT);
 - iii) Part of Lot 32, Plan 431, Bertie; Fort Erie, designated as Part 22 on Reference Plan 59R-17136, being part of PIN 64183-0020 (LT);
 - iv) Part of Lots 38-44 (inclusive), Plan 431, Bertie; Fort Erie, designated as Part 16 on Reference Plan 59R-17136, being part of PIN 64183-0088 (LT);
 - v) Part of Lots 33-37 (inclusive), Plan 431, Bertie; Fort Erie, designated as part 17 on Reference Plan 59R-17136, being part of PIN 64183-0084; and
 - vi) Part of Lots 62 and 63, Plan 431, Bertie; Fort Erie, designated as Part 19 on Reference Plan 59R-17136, being part of PIN 64183-0013 (LT).

2. **That** the Lands referred to in section 1. i), ii), and iii) are established, laid out, declared and assumed as public highway forming part of Elizabeth Road, for public use.
3. **That** the Lands referred to in section 1. iv), v), and vi) are established, laid out, declared and assumed as public highway forming part of Cherrywood Avenue, for public use.
4. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
5. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
6. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of March, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 30-2022 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20_____.