



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 134-09

BEING A BY-LAW TO STOP UP, CLOSE AND AUTHORIZE THE SALE OF PART OF MARCAN DRIVE (PENINSULA PLASTICS LIMITED)

WHEREAS Section 34(1) of the said *Municipal Act*, 2001, as amended provides that a municipality with jurisdiction over a highway may by by-law permanently close the highway, and

WHEREAS By-law No. 194-07 establishes a policy for the sale of land owned by The Corporation of the Town of Fort Erie, including highways which have been or may be stopped up and closed, and

WHEREAS at the Council-in-Committee Meeting of September 8, 2009 Report No. CDS-056-09 was approved authorizing the sale of part of the Marcan Drive Road Allowance, north of Industrial Drive and east of Thompson Road adjoining the eastern boundary of the Peninsula Plastics Limited property at 620 Industrial Drive, to Peninsula Plastics Limited, in the amount of \$10,000.00, and

WHEREAS By-law No. 783 of the Town of Fort Erie passed, February 4, 1935, granting certain rights to the Canadian Niagara Power Company, Limited over the said part of Marcan Drive has expired, and it is deemed desirable to repeal the said By-law to clear the title, and

WHEREAS it is deemed desirable to accept an Agreement of Purchase and Sale from Peninsula Plastics Limited for the sale of the said road allowance, in a form acceptable to the Town Solicitor;

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

1. **THAT** the part of Marcan Drive, legally described as described as Part of Lot 5, Concession 2 Niagara River, Bertie, being Part of Part 28, Plan 59R-1849, North of Industrial Drive, Fort Erie, and being all of PIN 64229-0065 (LT) is hereby stopped up and closed.
2. **THAT** the acceptance of an Agreement of Purchase and Sale from Peninsula Plastics Limited (the "purchaser") in the amount of \$10,000.00, plus G.S.T., for the lands described as Part of Lot 5, Concession 2 Niagara River, Bertie, being Part of Part 28, Plan 59R-1849, North of Industrial Drive, Fort Erie, being all of PIN 64229-0065 (LT), and Part of Lot 5, Concession 2 Niagara River, Bertie, being Part 29, Plan 59R-1849, being Part of PIN 64229-0047 (LT), in a form acceptable to the Town Solicitor, be approved and authorized, subject to the lands merging in title with the purchaser's property, and subject to the granting of an easement in favour of The Corporation of the Town of Fort Erie for drainage purposes.
3. **THAT** the Town Solicitor be authorized and directed to execute any and all documentation necessary to complete the transaction and to affix the corporate seal thereto.
4. **THAT** the proceeds from the sale shall be credited to the Major Capital Expenditure Reserve Fund of the Corporation of the Town of Fort Erie.

5. **THAT** By-law No. 783 of the Town of Fort Erie passed February 4, 1935, and registered as Instrument Number BB40316 in the Land Registry Office for the Registry Division of Niagara South, is hereby repealed.
6. **THAT** this by-law shall expire one (1) year from the date of passage if the purchaser has not completed the transaction.
7. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the Municipal Act, 2001, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF OCTOBER, 2009.



MAYOR



CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 134-09 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 200 .
