

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 40-2017

Being a by-law to declare the inapplicability of the designation of a public highway as it relates to Parts 103 and 109 12R-14638, in the Town of Kingsville

WHEREAS section 31(2) of the *Municipal Act*, s.o. 2001, c.25, as amended, provides that land may only become a highway by virtue of a by-law establishing the same;

AND WHEREAS Larry Santos Construction Ltd. and 893147 Ontario Limited have developed certain lands known as Part of Lot 1, Concession 1, Eastern Division in the Town of Kingsville, in the County of Essex and Province of Ontario, being parts 1 to 100, inclusive, on 12R-14638 in accordance with a Development Agreement registered in the Land Registry Office at Windsor (Essex No. 12) as Instrument Number 1349769 on July 5, 1996;

AND WHEREAS by Transfer/Deed of Land registered as Instrument Number 1355107 on August 23, 1996, Larry Santos Construction Ltd. and 893147 Ontario Limited conveyed parts 100 to 112 inclusive on said 12R-14638 to the Corporation of the Town of Kingsville for roadway purposes;

AND WHEREAS Instrument No. CE 498770 being an Application By-Law to Establish Public Highways was duly registered on December 7, 2011, *inter alia*, on parts 103 and 109 12R-14638;

AND WHEREAS the aforementioned Application By-Law to Establish Public Highways was based on By-Law No. 129-2011 dated November 14, 2011;

AND WHEREAS By-Law No. 129-2011, established Walker Drive (Parts 104, 105 and 106 on 12R-14638) as a public highway in the Town of Kingsville;

AND WHEREAS Instrument No. CE 498770 was not applicable to Parts 103 and 109 12R-14638 and should therefore be considered deleted from title to Parts 103 and 109 12R-14638;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. The following lands having had By-Law No. 129-2011 registered on title declaring the same as a highway by instrument number CE 498770, namely;
 - Part 103 on 12R-14638; and,
 - Part 109 on 12R-14638,

are hereby declared not to be a highway, nor assumed for public use.

2. That this By-law shall come into force and effect upon third reading and being finally passed.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 23rd day of May, 2017.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo