

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW 2005-85

Being a by-law to close and stop up the portion of North Side Road
Between the Sixth Concession Road and Howard Avenue (County Road 9)

WHEREAS Amherst Quarries (1969) Ltd. owns the properties to the north and to the south of North Side Road between the Sixth Concession Road and Howard Avenue; and

WHEREAS Amherst Quarries (1969) Ltd. is desirous of expanding the present quarry operations to its property north of North Side Road; and

WHEREAS Amherst Quarries (1969) Ltd. have made a request to the Town of Amherstburg to close the North Side Road between 6th Concession Road and Howard Avenue and that the said lands be sold to Amherst Quarries (1969) Ltd.; and

WHEREAS the Council of the Town of Amherstburg deems it appropriate to close and stop up the North Side Road between the Sixth Concession Road and Howard Avenue and to sell same to Amherst Quarries (1969) Ltd.; and

WHEREAS pursuant to Section 34 of the Municipal Act 2001, S.O. 2001, c. 25 before passing a by-law for permanently closing a highway, a municipality shall give public notice of it's intention to pass the bylaw; and

WHEREAS notice of the intention of the Council of the Town of Amherstburg was duly published in the Amherstburg Echo on the following dates:

- 1) August 30, 2005
- 2) September 6, 2005
- 3) September 13, 2005

And the River Town Times on the following dates:

- 1) August 26, 2005
- 2) September 2, 2005
- 3) September 9, 2005
- 4) September 16, 2005

AND WHEREAS a Public Meeting was held on September 19, 2005 to hear comments on the proposed Road Closure and Sale.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF

THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

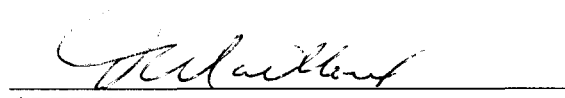
1. That the portion of North Side Road between the Sixth Concession Road and Howard Avenue as more particularly described in Schedule A, attached hereto and forming part of this by-law, be and the same is hereby closed and stopped up.
2. That the portion of North Side Road being closed and stopped up be sold to the abutting landowners being Amherst Quarries (1969) Ltd.
3. That the price for the said property be fixed by resolution of Council.
4. That the sale of the property shall be subject to easements and or right-of-ways for services including but not limited to hydro, gas, water, telephone, as specified by the Town.

5. That the property described in Schedule A attached hereto shall be attached to and become part of the existing property of Amherst Quarries (1969) Ltd.
6. That the property described in Schedule "A" is declared surplus.
7. That the Mayor and the Clerk of the Corporation be and hereby authorized to do all acts and sign all documents which will be necessary to sell and convey the said road so closed as provided herein and to otherwise carry out the intent of this by-law.
8. That this by-law shall come into force and take effect after the final passing thereof on the day upon which it is registered in the Registry Office for the Registry Division of Essex (No. 12).

Read a first, second and third time and finally passed the 11th day of October 2005.



MAYOR



CLERK

SCHEDULE "A"

To By-law 2005-85

In the Town of Amherstburg (formerly Township of Anderdon) in the County of Essex bounded on the north by the south limit of Lot 11 Concession 6 and bounded on the south by the north limit of lot 10, on the east by the west limit of Howard Avenue, on the west by the east limit of 6th Concession Road.