

# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW NO. 65/2022

### *Being a By-Law to Stop-Up, Close, and Sell a Portion of an Original Road Allowance (Original Road Allowance Between Broken Front Concession and Concession 1)*

Whereas Section 34(1) of the Municipal Act, 2001, c. 25 states, a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

Whereas Section 27(1) of the Municipal Act, 2001, c. 25 states, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

Whereas staff have provided public notice that Council will consider a by-law to stop up and close a portion of the Original Road Allowance between Broken Front Concession and Concession; and

Whereas a portion of this road allowance, being parts 11, 19, and 28, are currently subject to an improperly registered easement in favor of the following properties:

- 1) Part of Lot 14 Concession Broken Front, being Part 2 on 39R13754 (PIN 51064-1463 (LT))
- 2) Part of Lots 13-14 Concession Broken Front; as in PH4647 & PH8546 (PIN 51064-0889) (R))
- 3) Part of Lot 14 Concession Broken Front, being Part 1, 2 & 3 on 9R1374 (PIN 50164-0888 (R))

Whereas it is recommended by staff that these easements be property registered in favor of the benefitting properties; and

Whereas it is recommended by staff to permanently stop up and closed to vehicular and pedestrian traffic the travelled road as generally described in report CS-16-22; and

Whereas it is recommended by staff that the road allowance be sold to the abutting land owners being Cloverlark Enterprises Inc. operating as 14296303 Canada Inc.;

Now Therefore Be It Enacted as a By-law of the Corporation of the Municipality of Port Hope as follows:

1. THAT this council does hereby permanently stop-up and close to vehicular and pedestrian traffic the portion of the Original Road Allowance more particularly described in Schedule "A" as Part of the Road Allowance Between Lots 13 and 14 Concession Broken Front and Lots 13 and 14 Concession 1, being Parts 11, 12, 13, 14, 19, and 28 on 39R7494 and Part 1 on 29R13754.
2. THAT the Mayor and Clerk are hereby authorized to execute all documents necessary to complete this closure.

3. THAT the Mayor and Clerk are hereby authorized and instructed to execute on behalf of the Corporation all necessary documents to sell the property as described in Schedule "A" forming part of this by-law to 14396303 Canada Inc., provided that any Agreement of Purchase and Sale must include a purchaser's undertaking to validly register any easements to which the property is currently subject.

READ a FIRST, SECOND and THIRD time and finally passed this 20<sup>th</sup> day of September 2022.

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Bob Sanderson, Mayor

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Brian Gilmer, Clerk

## Schedule "A" – Legal Description

Part of the Road Allowance Between Lots 13 and 14 Concession Broken Front  
and Lots 13 and 14 Concession 1, being Parts 11, 12, 13, 14, 19, and 28 on  
39R7494 and Part 1 on 29R13754

Schedule "B" – Key Map

