



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 96-88

To authorize and licence the use  
by the adjoining owner of an unopened  
portion of Alexander Street

WHEREAS paragraph 1 of section 310 of the Municipal Act, R.S.O. 1980, c. 302, as amended, authorizes the council of a local municipality to pass by-laws for licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

AND WHEREAS Alice Anne Train, the Owner of the lands described in Schedule A hereto, has applied for permission to use the adjoining portion of Alexander Street described in Schedule B hereto for the purpose of erecting and maintaining a fence and using a driveway located thereon;


AND WHEREAS the said portion of Alexander Street is not an extension or connecting link of the King's Highway;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. In consideration of the covenants contained in an agreement dated February 9, 1988 between Alice Anne Train and The Corporation of the City of Brampton, The Corporation of the City of Brampton hereby licenses the use, by the owners from time to time of the lands described in Schedule A hereto, of the part of Alexander Street described in Schedule B hereto, for the purpose of using and maintaining a driveway. This licence is revokable in the event the City decides to assume the part of Alexander Street described in Schedule B as a public highway.

2. The Mayor and Clerk are hereby authorized to execute the agreement dated February 9, 1988 between Alice Anne Train and The Corporation of the City of Brampton.

READ a FIRST, SECOND and THIRD TIME, and passed in Open Council this 25th day of April , 1988.

  
KENNETH G. WHILLANS MAYOR

  
LEONARD J. MIKULICH CLERK

APPROVED  
AS TO FORM  
LAW DEPT.  
BRAMPTON  
WCC  
DATE 5/1/88

SCHEDULE A

The land situated in the City of Brampton, in the Regional Municipality of Peel (formerly in the Town of Brampton, County of Peel) being composed of the part of Lot 104 according to Registered Plan BR-2 and the part of Lot 6, Concession 1, East of Hurontario Street in the geographic Township of Chinguacousy, designated as Part 1 on Reference Plan 43R-15264.

SCHEDULE B

The land situated in the City of Brampton, in the Regional Municipality of Peel (formerly in the Town of Brampton, County of Peel) being composed of the part of Alexander Street according to Registered Plan BR-2, designated as Part 2 on Reference Plan 43R-15264.

THIS AGREEMENT dated the 9th day of February, 1988.

BETWEEN:

ALICE ANNE TRAIN,  
hereinafter called the "Owner",

OF THE FIRST PART;

- and -

THE CORPORATION OF THE CITY OF BRAMPTON,  
hereinafter called "the City",

OF THE SECOND PART.

WHEREAS the Owner is the registered owner of the lands described firstly in Schedule A hereto;

AND WHEREAS the City is the owner of the unopened part of Alexander Street according to Registered Plan BR-2;

AND WHEREAS the Owner has applied to the City for permission to continue to use a gravel driveway located on the part of Alexander Street described secondly in Schedule A hereto;

NOW THEREFORE THIS AGREEMENT WITNESSES AS FOLLOWS:

1. In consideration of the Council of the City enacting a by-law to licence the use by the Owner of the part of Alexander Street according to Registered Plan BR-2 designated as Part 2 on Reference Plan 43R-15264 for the purpose of maintaining a driveway thereon, the Owner agrees to indemnify and save harmless the City, its council and all its employees and servants from and against all claims, demands, actions and proceedings, by whomsoever made or brought, in respect of any costs, expenses, loss, damage or injury, including death, arising by reason of or in connection with the City entering into this agreement and enacting the aforesaid by-law, and to release and forever discharge the parties aforesaid from and against all claims or demands whatsoever which the Owner, her heirs, executors, administrators, successors and assigns shall have by reason aforesaid against any or all of the said bodies and persons.
2. The Owner agrees to file with the City annually a certificate of liability insurance to indicate that the use of the said part of Alexander Street by the Owner is covered under the Owner's homeowner's liability policy.
3. The Owner agrees that the City may repeal the said by-law and terminate the licence on 90 days' notice to the Owner in the event that the City decides to establish the unopened part of Alexander Street as a public highway.
4. This agreement and the by-law shall be registered on title to the lands described firstly and secondly in Schedule A at the expense of the Owner.

5. This agreement is binding on the parties and their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Owner has set her hand and seal and the City has affixed its corporate seal attested to by its proper officers duly authorized in that behalf.

  
ALICE ANNE TRAIN

THE CORPORATION OF THE CITY OF  
BRAMPTON

  
KENNETH G. WHILLANS MAYOR

  
LEONARD J. MIKULICH CLERK

APPROVED  
AG TO FORM  
LAW DEPT.  
BRAMPTON  
WCC  
DATE 1/27/00

SCHEDULE A

Firstly:

The land situated in the City of Brampton, in the Regional Municipality of Peel (formerly in the Town of Brampton, County of Peel) being composed of the part of Lot 104 according to Registered Plan BR-2 and the part of Lot 6, Concession 1, East of Hurontario Street in the geographic Township of Chinguacousy, designated as Part 1 on Reference Plan 43R-15264.

Secondly:

The land situated in the City of Brampton, in the Regional Municipality of Peel (formerly in the Town of Brampton, County of Peel) being composed of the part of Alexander Street according to Registered Plan BR-2, designated as Part 2 on Reference Plan 43R-15264.