

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 124

A By-Law to close and dispose of Bisley Street (with the exception of the Easterly 30 feet thereof) and Herrick Street.

WHEREAS by an order of the Attorney-General dated the 25th day of May 1921. A Special Survey was directed to be made by Mr. Bateman Hutchinson, British Columbia Land Surveyor of inter alia Suburban Lots 37 and 45 of Section 23, Township of Esquimalt.

AND WHEREAS the said survey has been made by the said Mr. Bateman Hutchinson and a Commission has been appointed for hearing complaints and making adjustments in the said plan for survey.

AND WHEREAS it will become necessary to acquire certain lots known as Lots 18, 27, 36, 45, 54 and 63 and that part of Lot 72 lying to the north of Esquimalt Road of Suburban Lots 37 and 45 for the purpose of widening Nelson Street.

AND WHEREAS Mary Simpson the registered owner of Lots 27, 54, 63 and that part of Lot 72 lying to the north of Esquimalt Road has conveyed to the said Corporation all her right, title and interest in and to the said Lots 27, 54, 63 and that part of Lot 72 lying to the north of Esquimalt Road which is to be delivered in exchange for a conveyance by the said Corporation of all the portion of Bisley Street save and except the easterly 30 feet thereof, being all that portion lying between Sturdee Street and a line joining the easterly boundaries of Lots 62 and 71 of suburban Lots 37 and 45.

AND WHEREAS by the special survey, ordered to be made as aforesaid it will be necessary to acquire a northerly portion of Lots 73 to 81 inclusive of suburban Lots 37 and 45 as defined by the Special Survey, and the registered owner the Bishop of Vancouver Island of the said Lots has agreed to relinquish any claim to the said portions of Lots 73 to 81 inclusive as aforesaid or any right to compensation therefor, in exchange for a grant in fee of all that portion of Herrick Street between the easterly boundaries of Sturdee Street and Westerly boundary of Nelson Street contiguous to the land owned by the Bishop of Vancouver Island save and except that half of Herrick Street contiguous to the north boundary of Lots 88, 89, 90 of said suburban Lots 37 and 45.

AND WHEREAS the Sisters of Saint Ann are the registered owners in fee of Lots 88, 89 and 90 of suburban Lots 37 and 45

and have assented to the closing of the said Herrick Street in consideration of their acquiring that half of Herrick Street contiguous to the North boundary of said Lots 88, 89 and 90.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT ENACTS AS FOLLOWS:

1. That the whole of Bisley Street formerly known as fourth Street, save and except the easterly 30 feet thereof as aforesaid shall be closed and vested in the said Corporation and granted unto, Mary Simpson or her heirs, executors, administrators or assigns the owner of all the lands contiguous to the said portion of Bisley Street so closed as aforesaid, in exchange for the delivery of the Conveyance of adjacent lands known as Lots 27, 54, 63 and that part of Lot 72 lying to the North of Esquimalt Road of said Suburban Lots 37 and 45.
2. That the whole of Herrick Street formerly known as Fifth Street shall be closed and vested in the said Corporation and all that portion of the said Herrick Street with the exception of the southerly half thereof contiguous to the North boundary of Lots 88, 89 and 90 of said Suburban Lot 37 and 45 to be granted to the Bishop of Vancouver Island and the remaining portion of the said Herrick Street namely the South half of the said Street contiguous to the North boundary of Lots 88, 89 and 90 of said suburban lots 37 and 45 to be granted to the Sisters of Saint Ann in exchange for adjacent lands being portions of Lots 73 to 81 inclusive of Suburban Lots 37 and 45 Esquimalt District within the bounds of the New Esquimalt Road, as defined by the Special Survey of the said Mr. Bateman Hutchinson dated the 23rd day of January 1922.
3. That the Reeve and Clerk of the Corporation are hereby empowered to execute the deeds for the property so exchanged when authorized to do so by the Lieutenant-Governor in Council.

This By-Law may be cited as the "Bisley and Herrick Streets Closing and Disposing By-Law."

PASSED the Municipal Council on the 25th day of September, 1922.

RECONSIDERED, ADOPTED AND FINALLY PASSED the Municipal Council on the 9th day of October, 1922.

"A. Lockley"
Reeve

"G. H. Pullen"
Clerk