

## **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

### **BYLAW NO. 2005**

A Bylaw to close Upwood Avenue.

WHEREAS: Council may pursuant to Section 578 of the Municipal Act stop up and close to traffic a portion of highway;

AND WHEREAS: Council may petition the Minister of Municipal Affairs, Recreation and Culture to abandon a portion of highway and vest title to such land in a person;

AND WHEREAS: Upwood Avenue is a public highway being established as such by subdivision plan in 1939 but has never been developed or opened up to traffic since established;

AND WHEREAS: Esquimalt Municipality was the original landowner subdividing the parent property in 1939 thereby creating Upwood Avenue;

AND WHEREAS: Upwood Avenue has been used for all intents and purposes as parkland and/or for a public footpath between Old Esquimalt Road and Fernhill Road;

AND WHEREAS: Council desires to officially stop up and close to traffic all of the public highway known as Upwood Avenue; petition to have title to it vested in the name of the municipality pursuant to Section 529; and, once vested, reserve the entire length and width of Upwood Avenue for park purposes pursuant to Section 532 of the Municipal Act;

AND WHEREAS: properties in the general vicinity of Upwood Avenue are well serviced by fully developed roadways;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "UPWOOD AVENUE CLOSURE BYLAW, 1991, NO. 2005".
2. The public highway known as Upwood Avenue and as shown in heavy outline on the attached reference plan is hereby stopped up and closed to traffic of all kinds.

3. Municipal Council hereby authorizes and directs that the Minister of Municipal Affairs, Recreation and Culture be petitioned to abandon Upwood Avenue and to vest title in the name of the Corporation of the Township of Esquimalt in order for the Municipality to reserve the land for park purposes.

Read a first time by the Municipal Council on 13th May, 1991.

Read a second time by the Municipal Council on 13th May, 1991.

Read a third time by the Municipal Council on 13th May, 1991.

RECONSIDERED AND FINALLY ADOPTED by the Municipal Council on 3rd June, 1991.



C.J.E. CLEMENT  
MAYOR



S. T. GRAY  
MUNICIPAL CLERK