

ROAD CLOSURE.

14° and 15° Geo. VI., No. XXXVII.

No. 37 of 1950.

AN ACT for the closure of certain roads and rights-of-way and of portions of certain roads and rights-of-way and other purposes.

[Assented to 18th December, 1950.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Road Closure Act, 1950.* Short title.

2. All that portion of Macdonald Road, in the Albany Municipal District, extending from the southern alignment of Marbellup Road to the northern alignment of Parker Street as shown on Survey Office Plan No. 5746, is hereby closed and all rights of way over it shall cease on the passing of this Act and the land comprised therein is revested in His Majesty as of his former estate. Closure of portion of Macdonald Road, Albany.

Closure of
Small Street,
Albany.

3. The public road known as Small Street, in the Albany Municipal District, is hereby closed and all rights of way over it shall cease on the passing of this Act and the land comprised therein is hereby revested in His Majesty as of his former estate and may be disposed of in such manner as may be approved by the Governor.

Closure of
portion of
Road No.
3269, First
Avenue,
Bassendean.

4. (1) That portion of Road No. 3269 (First Avenue) in the Bassendean Road District, and being—

all that portion of a public road starting at the western corner of Lot 55 of Swan Location P. on Office of Titles Plan 3469 and extending south-easterly along its south-western boundary; thence westerly 86 links along the prolongation westerly of its southern boundary; thence north-westerly 42.4 links parallel to its south-western boundary and thence northerly along the prolongation southerly of the western boundary of Lot 56 to the starting point; subject to survey,

is hereby closed and all rights of way over it shall cease on the passing of this Act.

(2) The land contained in that portion of Road No. 3269 which is closed by the operation of the last preceding subsection shall by force of this Act vest for an estate in fee simple in the owner for the time being of the adjoining land, being Lot 55 on Office of Titles Plan 3469, and is hereby incorporated with and shall become portion of the said Lot 55.

(3) The Registrar of Titles shall, on the application of the owner of the aforesaid Lot 55, and on payment of the prescribed fee, cancel the relative certificate of title to it, and issue a new one in which the land in the portion of the road so closed shall be included.

(4) If the aforesaid Lot 55 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that land, then the land in the portion of the road so closed shall,

if the nature of the encumbrance so admits, on the issue of the new certificate of title, showing the vesting of such portion as in this section provided, become subject to the encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

5. All that portion of Emery Street in the Carnarvon Municipal District, starting from the western boundary of Carnarvon Lot 188 and extending westerly 12 chains 47.3 links along the northern boundary of Carnarvon Lot Sub. 20 to the eastern alignment of Road No. 3901, is hereby closed and all rights of way over it shall cease on the passing of this Act and the land comprised therein is revested in His Majesty as of his former estate.

Closure of
portion of
Emery Street,
Carnarvon.

6. The whole of Venn Street in the Carnarvon Municipal District is hereby closed and all rights of way over it shall cease on the passing of this Act and the land comprised therein is revested in His Majesty as of his former estate.

Closure of
Venn Street,
Carnarvon.

7. (1) The rights-of-way in the Fremantle Municipal District and being—

Closure of
certain
rights-of-way
at Fre-
mantle.

the rights-of-way separating the following Fremantle Suburban Lots—

Lots 86 to 89 (inclusive) from Lots 90 to 93 (inclusive); Lots 94 to 97 (inclusive) from Lots 98 to 101 (inclusive); Lots 138 to 141 (inclusive) from Lots 142 to 145 (inclusive); Lots 102 to 105 (inclusive) from Lots 106 to 109 (inclusive),

are hereby closed and all rights of way over them shall cease on the passing of this Act.

(2) The land comprised in the rights-of-way, which have been closed by the operation of the preceding subsection, shall vest, as for an estate in fee simple therein, in the respective owners for the

time being of those lots contiguous thereto and if the lots on opposite sides of any part of the rights-of-way so closed are owned by different owners, the contiguous half of such part to the middle thereof shall vest as for an estate in fee simple therein in the owner of the lot contiguous to it.

(3) The Registrar of Titles shall, on the application of the owner of land contiguous to any such part of the rights-of-way so closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in such part shall be included.

(4) When any land contiguous to any such part of the rights-of-way so closed as is mentioned in subsections (2) and (3) of this section is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in such land, then such part shall, when the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of such part as in this section provided, become subject to that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
portion of
Augustus
Street,
Geraldton.

8. All that portion of Augustus Street, between Meadowcroft and Point Streets, in the Geraldton Municipal District, is hereby closed and all rights of way over it shall cease on the passing of this Act and the land comprised therein is revested in His Majesty as of his former estate.

Closure of
portion of
Evans Street,
Geraldton.

9. All those portions of Evans Street in the Geraldton Municipal District, being—

firstly—that portion between the northern alignment of Fraser Street and the southern alignment of Stroud Street;

secondly—that portion between the northern alignment of Stroud Street and the southern alignment of Dampier Street,

are hereby closed and all rights of way over them shall cease on the passing of this Act and the land comprised therein shall revest in His Majesty as of his former estate.

10. (1) The rights-of-way in the Geraldton Municipal District and being—

Closure of certain rights-of-way at Geraldton.

the rights-of-way separating the following Geraldton Lots—

Lots 1038 to 1047 (inclusive) from Lots 1048 to 1057 (inclusive); Lots 1058 to 1072 (inclusive) from Lots 1073 to 1087 (inclusive); Lots 1088 to 1102 (inclusive) from Lots 1103 to 1117 (inclusive),

are hereby closed and all rights of way over them shall cease on the passing of this Act.

(2) The land comprised in each part of those rights-of-way, which have been closed by the operation of the preceding subsection, shall vest, as for an estate in fee simple therein, in the respective owners for the time being of the lots contiguous thereto and if the lots on opposite sides of any part of the rights-of-way so closed are owned by different owners, the contiguous half of such part to the middle thereof shall vest as for an estate in fee simple in the owner of the lot contiguous to it.

(3) The Registrar of Titles shall, on the application of the owner of the land contiguous to any such part of the rights-of-way so closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fee cancel the relative certificate of title and issue a new one in which the land in such part shall be included.

(4) When any land contiguous to any such part of the rights-of-way so closed as is mentioned in subsections (2) and (3) of this section is subject to an encumbrance whether by way of mortgage or otherwise, as regards any estate or interest in such land, then such part shall, when the nature of the encumbrance so admits, on the issue of the new certificate of title, showing the vesting of such part as in this section provided, become subject to that encum-

brance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
portion of
Ord Street,
Geraldton.

11. All that portion of Ord Street in the Geraldton Municipal District—

bounded by lines starting at the intersection of its northern alignment with the eastern alignment of North-West Coastal Highway and extending 1 chain 15.6 links along the aforesaid northern alignment; thence 224 degrees 43 minutes 1 chain 8.1 links to the southern alignment of Ord Street; thence 74.5 links along that alignment to the eastern alignment of North-West Coastal Highway; thence 1 chain along that eastern alignment to the starting point, is hereby closed and all rights of way over it shall cease on the passing of this Act.

Closure of
portion of
certain
right-of-way
at Geraldton.

12. (1) All that portion of a right-of-way, in the Geraldton Municipal District,, and being—

20 links wide and extending along the western boundaries of Lots 8 to 11 inclusive on Office of Titles Plan 3700,

is hereby closed and all rights of way over it shall cease on the passing of this Act.

(2) The land comprised in such part of the right-of-way, which has been closed by the operation of the preceding subsection, shall vest, as for an estate in fee simple therein, in the respective owners for the time being of the lots contiguous thereto and if the lots on opposite sides of any part of the right-of-way so closed are owned by different owners, the contiguous half of such part to the middle thereof shall vest for an estate in fee simple in the owner of the lot contiguous to it.

(3) The Registrar of Titles shall, on the application of the owner of land contiguous to any such part of the right-of-way so closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in such part shall be included.

(4) When any land in any lot contiguous to any such part of the right-of-way so closed as is mentioned in subsections (2) and (3) of this section is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in such land, then such part shall, when the nature of the encumbrance so admits, on the issue of the new certificate of title, showing the vesting of such part as in this section provided, become subject to that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

13. (1) The whole of Midway Avenue, Victoria Park in the Perth Municipal District being situated between the north-western alignment of Canterbury Terrace and the south-eastern alignment of Basinghall Street, is hereby closed and all rights of way over it shall cease on the passing of this Act.

Closure of
Midway
Avenue,
Victoria
Park.

(2) The land comprised in Midway Avenue which is closed by the operation of subsection (1) of this section is hereby revested in His Majesty as of his former estate with the intention that it be subdivided into three lots and may be disposed of by the Governor for an estate in fee simple by direct sale in the following manner—

- (a) all that portion of Midway Avenue between Lots 43 and 44 of Canning Location 2 on Office of Titles Plan 1676 may be disposed of to the registered proprietor of the aforesaid Lot 43 at the purchase price of forty pounds together with a Crown Grant fee of two pounds;
- (b) all that portion of Midway Avenue between Lots 109 and 110 of Canning Location 2 on Office of Titles Plan 1676 shall be divided into moieties each having a frontage of 25 links to Basinghall Street and such moieties may be disposed of to the respective proprietors of the aforesaid Lots 109 and 110 at the purchase price of twenty pounds for each moiety together with a Crown Grant fee of two pounds in each case.

Closure of
certain
rights-of-way
at Victoria
Park.

14. (1) All those rights-of-way, in the Perth Municipal District, situated at Victoria Park and being—

- (a) the right-of-way (25 links wide) extending along the north-eastern boundaries of Lots 189 to 196 (inclusive) of Canning Location 2 from the north-western side of Basinghall Street to the south-eastern side of Sussex Street as shown on Office of Titles deposited plan 2823;
- (b) the right-of-way (25 links wide) extending along the north-eastern boundaries of Lots 177 to 188 (inclusive) of Canning Location 2 from the north-western side of Westminster Street to the south-eastern side of Basinghall Street as shown on Office of Titles deposited plan 2823;
- (c) the right-of-way (25 links wide) extending along the south-western boundaries of Lots 121 to 128 (inclusive) of Canning Location 2 from the north-western side of Basinghall Street to the south-eastern side of Sussex Street as shown on Office of Titles deposited plan 2823;
- (d) the right-of-way (25 links wide) extending along the south-western boundaries of Lots 109 to 114 (inclusive) of Canning Location 2 from the north-western side of Westminster Street to a line in prolongation south-westerly of the north-western boundary of Lot 114 aforesaid as shown on Office of Titles deposited plan 2823;
- (e) the right-of-way (25 links wide) extending along the south-eastern boundaries of Lots 149 to 155 (inclusive) of Canning Location 2 as shown on Office of Titles deposited plan 2823;
- (f) the right-of-way (25 links wide) extending along the south-eastern boundaries of Lots 163 to 169 (inclusive) of Canning Location 2 as shown on Office of Titles deposited plan 2823;

- (g) the right-of-way (25 links wide) extending along the north-eastern boundaries of Lots 88 to 96 (inclusive) of Canning Location 2 from the south-eastern side of Sussex Street to the north-western side of Basinghall Street as shown on Office of Titles deposited plan 2823;
- (h) the right-of-way (25 links wide) extending along the north-eastern boundaries of Lots 97 to 108 (inclusive) of Canning Location 2 from the south-eastern side of Basinghall Street to the north-western side of Westminster Street as shown on Office of Titles deposited plan 2823;
- (i) the right-of-way (25 links wide) extending along the south-western boundaries of Lots 19 to 30 (inclusive) of Canning Location 2 from the south-eastern side of Basinghall Street to the north-western side of Westminster Street as shown on Office of Titles deposited plan 2823;
- (j) the right-of-way (25 links wide) extending along the south-eastern boundaries of Lots 55 to 60 (inclusive) of Canning Location 2 as shown on Office of Titles deposited plan 2823; and
- (k) the right-of-way (25 links wide) extending along the south-eastern boundaries of Lots 39 to 46 (inclusive) of Canning Location 2 as shown on Office of Titles deposited plan 2823,

are hereby closed and all rights of way over them shall cease on the passing of this Act.

(2) The land comprised in the rights-of-way which have been closed by the operation of the preceding subsection, shall vest, for an estate in fee simple in the State Housing Commission.

(3) The Registrar of Titles shall, on the application of The State Housing Commission and on payment of the prescribed fee, issue a certificate of title for the land in the rights-of-way so closed.

Closure of
certain
streets at
Bassendean.

15. (1) The portions of Angwin, Penzance, Briggs and Troy Streets in the Bassendean Road District as described in the Schedule hereto are hereby closed and all rights of way over them shall cease on the passing of this Act.

(2) The land comprised in those portions of Angwin, Penzance, Briggs and Troy Streets which have been closed by the operation of subsection (1) of this section is hereby revested in His Majesty as of his former estate and may be granted by the Governor to Cuming Smith-Mount Lyell Farmers' Fertilisers Limited in exchange for the land comprised in a proposed new road as surveyed and shown coloured brown on Lands and Surveys Diagram No. 61723.

SCHEDULE.

(a) All that portion of Angwin Street, being a one-chain road, widening at its commencement at the western alignment of Iolanthe Street and extending westerly to the prolongation southerly of the eastern boundary of Lot 840 of Swan Location Q1.

(b) All that portion of Penzance Street, being a one-chain road, commencing at the south-eastern corner of Lot 840 of Swan Location Q1 and extending in a northerly direction along the eastern boundary of the said lot for a distance of one chain seventy-nine and five-tenths links, the opposite side being equal and parallel.

(c) All that portion of Angwin Street, being a one-chain road, commencing at the prolongation southerly of the eastern side of Lot 840 of Swan Location Q1 and extending westerly to the southern side of a one-chain road passing along the northern boundary of Lot 1057 of Swan Location Q1.

(d) All that portion of Briggs Street, being a one-chain road, commencing at the south-eastern corner of Lot 857 of Swan Location Q1 and extending northerly along the eastern boundary of the said lot for a distance of one chain seventy-six and four-tenths links, the opposite side being equal and parallel.

(e) All that portion of Troy Street, being a one-chain road, commencing at the south-western corner of Lot 872 of Swan Location Q1 and extending northerly along the western boundary of the said lot for a distance of one chain seventy-six and three-tenths links, the opposite side being equal and parallel.