

ROAD CLOSURE.

2° Elizabeth II., No. LIX.

No. 59 of 1953.

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 9th January, 1954.]

BE it enacted, by the Queen'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, 1953.* Short title.

2. (1) The public road known as Pit Road in the Albany Municipal District and being— Closure of Pit Road, Albany.

a road along the western boundary of lot 1 on Land Titles Office Diagram No. 5668 and continuing northerly to the Albany-Elleker Road,

is hereby closed and all rights of way over it shall cease upon the coming into operation of this Act.

(2) The land comprised in the road so closed is hereby revested in Her Majesty as of her former estate with the intention that it shall be disposed

of under the provisions of the Land Act, 1933-1950, to the owners for the time being of the adjoining land at a price to be fixed by the Governor.

Closure of
Range Street,
Albany.

3. The public road known as Range Street in the Albany Municipal District is hereby closed and all rights of way over it shall cease on the coming into operation of this Act, and the land comprised in the road is hereby revested in Her Majesty as of her former estate, and may be disposed of in such manner as may be approved by the Governor.

Closure of
portion of
Glyde Street,
Bayswater.

4. (1) All that portion of a public road in the Bayswater Road District and being—

the portion of Glyde Street comprising a piece of land 40 links wide commencing at the production north-westerly of the south-western boundary of Swan Location 5219 and extending south-westerly to the north-eastern boundary of Reserve No. 4747,

is hereby closed and all rights of way over it shall cease upon the coming into operation of this Act.

(2) The land comprised in the portion of Glyde Street so closed is hereby revested in Her Majesty as of her former estate with the intention that the land shall be included in the adjoining Schoolsite Reserve No. 4747.

Closure of
a certain
right-of-way
at Bayswater.

5. (1) All that portion of a private right-of-way in the Bayswater Road District and known as Georges Street and being—

that portion of the right-of-way shown on Land Titles Office Plan No. 1637 and being a strip of land 20 links wide along the south-western boundary of lot 10 on that plan,

is hereby closed and all rights of way over it shall cease upon the coming into operation of this Act.

(2) The land comprised in the portion of the right-of-way so closed is hereby revested in Her Majesty as of her former estate with the intention that the land shall be included in the adjoining Schoolsite Reserve No. 4747.

6. (1) The right-of-way in the Boulder Municipal District and being—

Closure of
a certain
right-of-way
at Boulder.

the right-of-way 25 links wide along the northern boundaries of lots 3 and 4 on Land Titles Office Diagram No. 2607 and being portion of Boulder Lot 1389 as comprised in Certificate of Title Volume 284 Folio 171,

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

(2) The land comprised in the right-of-way so closed is hereby re-vested in Her Majesty as of her former estate with the intention that it shall be included in a re-subdivision of the adjacent land and may be disposed of in such manner as may be approved by the Governor.

7. (1) All that portion of a right-of-way in the Boulder Municipal District and being—

Closure of
a certain
right-of-way
at Boulder.

15 links wide and separating Boulder Lots 658 and 2241,

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

(2) The land comprised in the right-of-way so closed is hereby re-vested in Her Majesty as of her former estate with the intention that it shall be divided into two equal parts by a line parallel to and equidistant from the contiguous boundaries of lots 658 and 2241 and that each part be included in the respective adjoining lot.

(3) The land comprised in the part contiguous to lot 658 shall vest as for an estate in fee simple therein in the owner for the time being of that lot.

(4) The Registrar of Titles shall, on the application of the owner of lot 658 and on payment of the prescribed fee, cancel the relative Certificate of Title and issue a new one in which the part shall be included.

(5) Where the land comprised in Boulder Lot 658 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that land, then the part shall, if the nature of the encumbrance so admits, on the issue of the new Certificate of Title showing the vesting

of the part 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.

(6) The land comprised in the part contiguous to lot 2241 shall be included in that lot and shall become portion of Reserve No. 9911 set apart for the purpose of public buildings.

Closure of
portion of
Johnson
Parade,
Mosman
Park.

8. (1) Notwithstanding the provisions of section one hundred and forty-six of the Road Districts Act, 1919-1951, the width of Johnson Parade (Road No. 4948) in the Mosman Park Road District is hereby reduced by the closure of all that portion—

bounded by lines starting at a point on the prolongation easterly of the southern boundary of lot 52 of Swan Location 82 as shown on Land Titles Office Plan 4494 situated 80 and 6/10ths links from the south-eastern corner of that lot and extending 358 degrees 48 minutes, 1 chain 26 and 2/10ths links; thence 348 degrees 15 minutes, 64 and 3/10ths links; thence 4 degrees 49 minutes, 2 chains 96 and 9/10ths links; thence 10 degrees 56 minutes, 5 chains 48 and 3/10ths links; thence 16 degrees 55 minutes, 4 chains; thence 19 degrees 19 minutes, 1 chain 90 and 4/10ths links; thence 24 degrees 38 minutes, 2 chains 53 and 9/10ths links; thence 4 degrees 42 minutes, 90 and 6/10ths links to a point on the prolongation easterly of the southern side of Johnston Street; thence easterly along that prolongation to the highwater mark of the right bank of the Swan River; thence generally southerly along that highwater mark to a point on the prolongation easterly of the southern boundary of the lot 52, and thence westerly along that prolongation to the starting point,

and all rights of way over the portion so closed shall cease on the coming into operation of this Act.

(2) The land comprised in the portion of Johnson Parade so closed is hereby revested in Her Majesty as of her former estate with the intention that it shall be reserved for the purposes of park, gardens and recreation and shall be classified as of Class "A".

9. (1) All that portion of Woodstock Street, Mount Hawthorn in the Perth Municipal District being—

Closure of
portion of
Woodstock
Street, Mount
Hawthorn.

that portion of Woodstock Street from Scarborough Beach Road to the prolongation northwards of the eastern boundary of lot 10 of section 1 on Land Titles Office Plan No. 3845,

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

(2) The land comprised in the portion of Woodstock Street so closed is hereby revested in Her Majesty as of her former estate with the intention that it shall be included in the Mount Hawthorn Schoolsite Reserve No. 10948.

10. (1) All that portion of Ocean Parade in the North Fremantle Municipal District being—

Closure of
portion of
Ocean
Parade,
North
Fremantle.

the portion south of the southern corner of North Fremantle Lot 256,

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

(2) The land comprised in the portion so closed is hereby revested in Her Majesty as of her former estate with the intention that it may be reserved or disposed of in such manner as the Governor may approve.

11. (1) All that portion of a right-of-way in the North Fremantle Municipal District being—

Closure of
portion of
a certain
right-of-way
at North
Fremantle.

the portion of a private right-of-way 15 links wide provided in a subdivision of North Fremantle Lot 32 as shown on Land Titles Office Plan No. 1592, commencing from the north-western boundary of the lot 32 and extending north-easterly to a line connecting the easternmost corner of lot 102 on the plan with a point on the north-eastern boundary of lot 8 situate 15 and 2/10ths links from the north-western corner of that lot,

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

(2) The land comprised in the right-of-way so closed is hereby revested in Her Majesty as of her former estate with the intention that it may be reserved or disposed of in such manner as the Governor may approve.

Closure of
a certain
right-of-way
at Tambellup.

12. (1) The right-of-way in the Tambellup Road District being—

the right-of-way through Tambellup Lot 13 separating lots 1 and 2 on Land Titles Office Diagram No. 11579 and being the land comprised in Certificate of Title Volume 1071 Folio 344,

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

(2) The land comprised in the right-of-way which is so closed shall vest as for an estate in fee simple therein, in the respective owners for the time being of lots 1 and 2 on Diagram No. 11579 in the following manner:—

(a) The portion on the south-eastern side of lot 2 including truncations shall be included in lot 2.

(b) The balance being a strip of land 15 and 1/10th links wide along the north-eastern side of lot 1 shall be included in lot 1.

(3) The Registrar of Titles shall on application by the owners for the time being of the lots 1 and 2 and on payment of the prescribed fee, cancel the relative certificates of title to the lots and issue to the respective owners a new certificate of title for each lot in which the respective portions of the closed right-of-way as described in subsection (2) hereof shall be included in accordance with that subsection.

(4) Where the land comprised in lots 1 and 2 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 right-of-way so closed shall, if the nature of the encumbrance so admits on the issue of the new certificate of title showing the vesting of the land as in this section

provided, becomes subject to the encumbrance as if it had been originally included by the owner for the time being of that estate or interest.

13. (1) All those portions of a right-of-way in the Perth Municipal District being—

Closure of portions of a certain right-of-way at Victoria Park.

those portions of a right-of-way shown on Land Titles Office Plans Nos. 2010 and 6045, comprising, firstly, a piece of land 15 links wide, commencing at the prolongation south-easterly of the south-eastern boundary of lot 9 on Plan 2010 and extending south-westerly for a distance of one chain and, secondly, a strip of land 15 links wide along the north-western boundary of lot 76 on Plan 6045 and including a widening at the southern corner of lot 11 on Plan 2010,

are hereby closed and all rights-of-way over them shall cease upon the coming into operation of this Act.

(2) The land comprised in the portions of the right-of-way so closed are hereby revested in Her Majesty as of her former estate with the intention that it may be disposed of to an owner of adjoining land in such manner as the Governor may approve.

14. (1) All that portion of Kitchener Street, Wagin, in the Wagin Municipal District, between Unicorn Street and Ballagin Road, is hereby closed and all rights of way over it shall cease upon the coming into operation of this Act.

Closure of portion of Kitchener Street, Wagin.

(2) The land comprised in the portion so closed is hereby revested in Her Majesty as of her former estate with the intention that it shall be included in the adjoining Reserve No. 6985 which is set apart for the purpose of an Agricultural Showground.

15. (1) All that portion of Road No. 3691 in the Rockingham Road District being—

Closure of portion of Road No. 3691 at Kwinana.

the portion commencing at the north-east corner of Peel Estate Lot 1180 and extending westerly to its intersection with Road No. 4029,

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

(2) The land contained in the portion of Road No. 3691 which is so closed is hereby revested in Her Majesty as of her former estate with the intention that it may be disposed of in such manner as the Governor may approve.

Closure of
Napier Street
Railway
Crossing,
Cottesloe.

16. The constructed roadway through the Railway Reserve between Cottesloe Avenue and Railway Street, Cottesloe, known as the Napier Street Level Crossing, is hereby closed and all rights of way over that portion of the Railway Reserve shall cease on the coming into operation of this Act.
