

ROAD CLOSURE.

1° Elizabeth II., No. LIV.

No. 54 of 1952.

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 23rd December, 1952.]

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, 1952.* Short title.

2. All that portion of Mill Street in the Albany Municipal District commencing at the prolongation eastward of the northern boundary of Albany lot 634 and extending southerly for a distance of one chain thirty links is hereby closed and all rights of way over it shall cease on the coming into operation of this Act and the land comprised therein is revested in Her Majesty as of her former estate. Closure of portion of Mill Street, Albany.

3. The public roads known as Low Street, Mawson Street and Moth Road in the Albany Municipal District are hereby closed, and all rights of way over them shall cease on the coming into operation of Closure of Low and Mawson Streets and Moth Road, Albany.

this Act, and the land comprised therein 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
Macdonald
Road,
Albany.

4. All that portion of Macdonald Road, in the Albany Municipal District, extending southerly from the southern boundary of lot 68 on Lands and Surveys Original Plan No. 5746 to a line in prolongation north-easterly of the south-eastern boundary of lot 245 on Lands and Surveys Original Plan No. 5942, is hereby closed, and all rights of way over it shall cease on the coming into operation of this Act, and the land contained therein 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
Road No. 46,
Brunswick
Junction.

5. (1) All that portion of Road No. 46 at Brunswick Junction, in the Harvey Road District, and being—

portion of the land resumed from Wellington Location 1 by notice published in the Government Gazette of the 7th day of September, one thousand nine hundred and fifty-one for the purpose of widening Road No. 46, and being a strip of land about 50 links wide commencing at the north-eastern corner of lot 2 on Land Titles Office Diagram 1187 and extending southward along the eastern boundary of lot 2 as shown on Land Titles Office diagrams Nos. 1187, 10276, 4673 and 10200 to the south-eastern corner of the land comprised in the diagram No. 10200,

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 that portion of Road No. 46, which is closed by the operation of subsection (1) of this section, shall vest for an estate in fee simple in the respective owners for the time being of the land contiguous to its western side and from which it was resumed.

(3) The Registrar of Titles shall, on the application of the owner of the land contiguous to any such part of the road 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) Where any land contiguous to any such part of the road 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 the 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 the 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.

6. (1) The whole of Road No. 3299 being Short Street in the Bassendean Road District is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

Closure of
Road No. 3299
(Short
Street),
Bassendean.

(2) The land contained in portion of Road No. 3299 which is closed by the operation of subsection (1) of this section being an area of 39 and 9/10ths perches and having a frontage of 100 links to Railway Parade is hereby revested in Her Majesty as of her former estate with the intention that it may be disposed of by the Governor for an estate in fee simple by direct sale to Hoskins Engineering and Foundry Pty Limited at the purchase price of eighty pounds together with a Crown Grant fee of two pounds.

(3) The balance of the land in Road No. 3299 which is closed by the operation of subsection (1) of this section and comprising an area of 9/10ths of a perch being the truncation at the south-western corner of lot 300 on Land Titles Office Plan No. 2759 is hereby vested for an estate in fee simple in the owner for the time being of the lot 300.

(4) The Registrar of Titles shall, on the application of the owner of lot 300, and on payment of the prescribed fee cancel the certificate of title to lot

300 and issue a new one in which the land in the portion of the road so closed as mentioned in subsection (3) of this section shall be included.

(5) Where the land contained in lot 300 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 as mentioned in subsection (3) of this section shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title, showing the vesting of the 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.

Closure of
portion of
Cleaver
Street,
Carnarvon.

7. All that portion of Cleaver Street Carnarvon situated west of a line extending from the easternmost corner of Carnarvon Lot 338 to the easternmost corner of Lot 352, is hereby closed, and all rights of way over it shall cease upon the coming into operation of this Act, and the land comprised therein is revested in Her Majesty as of her former estate.

Closure of
portions of
Emery and
Beasley
Streets,
Carnarvon.

8. (1) All those portions of public roads in the Carnarvon Municipal District and being—

- (a) that portion of Emery Street between the western alignment of Cecelia Street and the eastern alignment of Archdeacon Street;
- (b) that portion of Emery Street between the western alignment of Archdeacon Street and the western alignment of Beasley Street;
- (c) that portion of Beasley Street between the southern alignment of Emery Street and the northern alignment of Herbert Street;
- (d) that portion of Beasley Street between the southern alignment of Herbert Street and the bank of the Gascoyne River,

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

(2) The land comprised in those portions of Emery and Beasley Streets which are closed by the operation of subsection (1) of this section 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.

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

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

26 links wide and extending along the eastern boundaries of Swan Locations 4175 and 4183, 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 disposed of by the Governor for an estate in fee simple by direct sale to The Commissioners of the Presbyterian Church in Western Australia for the purchase price of One hundred and twenty pounds together with a Crown Grant fee of two pounds.

10. (1) The whole of Rowland Street, in the Geraldton Municipal District, including widenings at its junctions with Durlacher and Haddy Streets, is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

Closure of Rowland Street, Geraldton.

(2) The land comprised in that portion of Rowland Street excluding the widenings at its junctions with Durlacher and Haddy Streets 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 portion of Rowland Street as described in subsection (2) of this section.

(4) The land comprised in all those portions of Rowland Street comprising the widenings at its junctions with Durlacher and Haddy Streets shall vest for an estate in fee simple in the respective owners for the time being of the lots contiguous thereto and being respectively lots 17 and 18 on Land Titles Office Plan No. 6063.

(5) The Registrar of Titles shall, on the application of the respective owners of lots 17 and 18 on Land Titles Office Plan No. 6063 and on the payment of the prescribed fees, cancel the relative certificate of title to lots 17 and 18 respectively and issue a new one in which the land contained in the contiguous part of Rowland Street as described in subsection (4) of this section shall be included.

(6) Where land contained in a lot contiguous to such part of the road so closed as is mentioned in subsection (4) 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, if 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 a certain right-of-way at Geraldton.

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

the right-of-way 12 and 5/10ths links wide along the southern boundaries of lots 1 to 4 inclusive on Land Titles Office Diagram No. 8874 and being portion of Geraldton Lot 478 as comprised in Certificate of Title Volume 531 Folio 74,

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 each part of the right-of-way which is closed by the operation of subsection (1) of this section, shall vest, as for an estate in fee simple therein, in the respective owners for the time being of lots 1 to 4 inclusive on Land Titles Diagram 8874 as are contiguous to each respective part.

(3) The Registrar of Titles shall, on the application of the owner of any 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 to such owner in which the land in such part shall be included.

(4) Where any land contained in lots 1 to 4 inclusive and contiguous to any such part of the right-of-way so closed as is mentioned in subsection (2) of this section is subject to any encumbrance whether by way of mortgage or otherwise, as regards any estate or interest in such land, then such part shall, if 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 by the owner for the time being of that estate or interest.

12. (1) The whole of Road No. 10654 in the Merredin Road District is hereby closed and all public rights of way over it shall cease on the coming into operation of this Act.

Closure of
Road No.
10654 at
Merredin.

(2) The land comprised in Road No. 10654 which is closed by the operation of subsection (1) of this section shall vest for an estate in fee simple in Alfred John Lock and Olive Rhoda Lock as joint tenants, but subject to the same rights of way which were held by the owners for the time being of the land the subject of Land Titles Office Diagram No. 5942 and existing at the time of the resumption of the land.

(3) The Registrar of Titles shall upon application by the owner for the time being of the land contiguous to the road so closed, and on payment of the prescribed fees, issue to the owner of each respective portion of Merredin Lot 35 as shown on the aforesaid diagram No. 5942, a new certificate of title re-establishing the right of carriage way of the owner over the land comprised in the road so closed.

(4) The Registrar of Titles shall amend diagram No. 5942 to re-establish as a private right-of-way the land formerly comprised in Road No. 10654 and in like manner amend any other official records.

13. (1) All that portion of Lloyd Street in the Midland Junction Municipal District—

Closure of
portion of
Lloyd Street,
Midland
Junction.

between the alignment of the northern boundaries of lots 23 and 153 of Swan Location 7, as shown on Land Titles Office diagram 14059 and plan 743 respectively, and the alignment of the

southern boundaries of lots 141 and 156 of Swan Location 7 as shown on Land Titles Office plan 743,

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 that portion of Lloyd Street which has been closed by the operation of subsection (1) of this section is hereby revested in Her Majesty as of her former estate with the intention that it may be disposed of in such manner as may be approved by the Governor.

Closure of a certain right-of-way at Peppermint Grove.

14. All that portion of a private right-of-way in the Peppermint Grove Road District being—

all that portion of Swan Location 84 bounded by lines starting at the north-western corner of Lot 31 on Land Titles Office Plan 3783, Sheet 1, Section 13, and extending south westerly along the western boundary of that lot for a distance of 4 chains 55 and 5/10ths links; thence 284 degrees 54 minutes, 18 links; thence 14 degrees 54 minutes, 4 chains 50 and 7/10ths links to the southern side of McNeil Street and thence easterly along that side to the starting point,

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

Deviation of portion of Norwood Road, Rivervale.

15. (1) All that portion of Norwood Road between Campbell and Francisco Streets, Rivervale, in the Belmont Park Road District, is hereby deviated in the manner shown on Lands and Surveys Original Plan No. 6020.

(2) The land coloured dark brown on the Plan No. 6020 is hereby revested in Her Majesty as of her former estate with the intention that the land shall be used for the purpose of the public road known as Norwood Road.

(3) The land coloured blue on the Plan No. 6020 being the land comprised in the portions of Norwood Road which have been closed by deviation by the operation of subsection (1) of this section, shall vest for an estate in fee simple in The State Housing Commission as owner for the time being of the contiguous land.

(4) The land comprised in Roads numbered 9002, 9003, 9004 and 9005, which were closed under the provisions of section one hundred and fifty-one of the Road Districts Act, 1919-1951, by notice published in the Government Gazette of the 19th day of September, one thousand nine hundred and fifty-two, save and except the portions revested in Her Majesty by the operation of subsection (2) of this section, shall vest for an estate in fee simple in The State Housing Commission.

(5) 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 in the name of The State Housing Commission for the land vested in it by the operation of subsections (3) and (4) of this section.

16. (1) Tweed Crescent, Mount Lawley, in the Perth Road District is hereby deviated in the manner shown on Lands and Surveys Diagram No. 62704.

Deviation of
Tweed
Crescent,
Mount
Lawley.

(2) The land coloured dark brown on the diagram No. 62704 is hereby revested in Her Majesty as of her former estate with the intention that the land will be used for the purpose of the public road known as Tweed Crescent.

(3) The land coloured blue on the diagram No. 62704 being the land comprised in the portions of Tweed Crescent which have been closed by deviation by the operation of subsection (1) of this section, is hereby revested in Her Majesty as of her former estate and may be disposed of by the Governor as for an estate in fee simple by direct sale to the respective owners for the time being of the lots contiguous to the portions of Tweed Crescent so closed which portions have been surveyed as Swan Locations 5366, 5367 and 5368, as shown on the diagram No. 62704, at prices to be fixed by the Governor.

17. (1) The whole of Road No. 10783 in the Perth Road District is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

Closure of
Road No.
10783,
Scarborough.

(2) The land comprised in Road No. 10783 which is closed by the operation of subsection (1) of this section shall vest for an estate in fee simple in the owner for the time being of Lot 193 on Land Titles Office Plan No. 3168.

(3) The Registrar of Titles shall, upon the application of the owner of lot 193, 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 road so closed shall be included.

(4) Where the land comprised in lot 193 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 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 the land as in this section provided, become subject to the encumbrance as if it had been originally included by the owner for the time being of that estate or interest.

Closure of
portion of
Australind
Street,
Swanbourne.

18. (1) All that portion of Australind Street, Swanbourne, in the Claremont Municipal District and being—

the portion bounded by lines starting at the intersection of the eastern side of Australind Street with the southern side of Shenton Road and extending 180 degrees 13 minutes, 8 chains 77 and 3/10ths links; thence 285 degrees 44 minutes, 51 and 8/10ths links; thence 0 degrees 13 minutes, 8 chains 33 and 5/10ths links; thence 45 degrees 16 minutes, 42 and 4/10ths links; and thence 90 degrees 19 minutes, 20 links to the starting point, as bordered green on Lands and Surveys Diagram 62530,

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 that portion of Australind Street, which is closed by the operation of subsection (1) of this section, is hereby revested in Her Majesty as of her former estate and may be disposed of by the Governor for an estate in fee simply by direct sale to The Commissioners of the Presbyterian Church in Western Australia at a price to be fixed by the Governor.

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

Closure of certain rights-of-way at Wagin.

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

Lots 852, 853 and 854 from Lots 851 and 855;
 Lots 856, 857 and 862 from Lots 858 and 861;
 Lots 857, 858 and 859 from Lots 860, 861 and 862;

Lots 886 to 890 (Inclusive) from Lots 864, 865, 867, 1041 and 1042;

Lots 863 and 864 from Lot 865,

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

(2) The land comprised in each part of the rights-of-way which are closed by the operation of subsection (1) of this section 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.

20. All that portion of Ocean Parade in the North Fremantle Municipal District being—

Closure of portion of Ocean Parade, North Fremantle

the portion bounded by lines starting at the intersection of a northern boundary of the Inner Harbour and a north-western boundary of North Fremantle Lot 212 situate 7 chains from the south-western corner of that lot and extending 16 degrees 34 minutes, 6 chains 17 and 3/10ths links; thence 206 degrees 46 minutes, 5 chains 50 links; thence 220 degrees 46 minutes, about 1 chain 32 and 8/10ths links to a point on a northern boundary of the Inner Harbour and thence 90 degrees 0 minutes, about 1 chain 58 and 4/10ths links along that boundary to the starting point,

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act and the land comprised therein is hereby revested in Her Majesty as of her former estate.

