

## ROAD CLOSURE.

7° Elizabeth II., No. XLI.

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No. 41 of 1958.

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**AN ACT for the Closure of certain Roads and Rights-of-way and of portions of certain Roads and Rights-of-way and for other purposes.**

*[Assented to 11th December, 1958.]*

**B**E 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:—

**Short title  
and citation.**

1. This Act may be cited as the *Road Closure Act, 1958*.

**Closure of  
Charles  
Street,  
Albany.**

2. (1) The public road known as Charles Street, in the Albany Municipal District, being—

the road extending from the south-eastern alignment of Collingwood Street to the western

alignment of Drew Street including widenings at its south-eastern and south-western corners, 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 road so closed is hereby revested in Her Majesty as of her former estate with the intention that the portion excluding the widenings may be disposed of by the Governor under the provisions of the Land Act, 1933, in such manner as he may approve.

(3) The land comprised in the widenings at the south-eastern and south-western corners of the road so closed is hereby re-included in Albany Suburban Lot 379 and is hereby vested as for an estate in fee simple in the registered proprietor for the time being of the portion of that lot, immediately contiguous to the closed widenings, as comprised in Certificate of Title, Volume 1190, Folio 177.

(4) The Registrar of Titles shall on the application of the owner for the time being of land contiguous to any portion of the road widenings so closed and vested, and on payment of the appropriate fee prescribed by or under any relevant Act, cancel the relative certificate of title to the land and issue a new one in which the land in that portion shall be included.

(5) Where land contiguous to any portion of the road widenings so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the portion 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 that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

3. (1) All that portion of a public road in the Albany Municipal District and being—

the portion of the road widening at the intersection of Middleton Road and Vine Street,

Closure of  
road  
widening at  
intersection  
of Middleton  
Road and  
Vine Street,  
Albany.

Albany commencing at the north-eastern corner of Albany Suburban Lot 51 and extending ninety-six degrees fifty-three minutes one chain forty-two and six-tenths links; thence one hundred and seventy-six degrees one minute forty-two and four-tenths links; thence two hundred and fifty-five degrees nine minutes one chain sixty-two and six-tenths links to the south-eastern corner of Albany Suburban Lot 51 and thence along its eastern 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.

(2) The land comprised in the portion so closed may be reserved under the provisions of the Land Act, 1933, for the purposes of a Public Garden.

Deviation  
of portion  
of Roe  
Parade,  
Albany.

4. Roe Parade a public road near Emu Point in the Albany Municipal District is hereby deviated in the manner shown on Lands and Surveys Original Plan No. 7583, and the land comprised in the portions closed by deviation may be added to the contiguous reserves in such manner as the Governor may approve.

Bentley.

5. (1) All that portion of a road widening at the junction of Hill View Place and Hill View Terrace, Bentley, in the Canning Road District being—

the road widening at the south-western corner of Lot 1 on Land Titles Office Diagram No. 23523,

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 road widening so closed is hereby included in and shall become portion of Lot 1 on Land Titles Office Diagram No. 23523 and is hereby vested as for an estate in fee simple in The State Housing Commission of Western Australia as owner for the time being of the contiguous Lot 1.

(3) The Registrar of Titles shall, on the application of The State Housing Commission and payment of the appropriate fees prescribed by or under any relevant Act, cancel the relevant certificate of title to the contiguous land and issue a new one in which the land in the portion of the road so closed shall be included.

6. (1) All that portion of a public road in the Irwin Road District being—

Road No. 177  
near  
Bookara.

the portion of Road No. 177 as shown coloured blue on Lands and Surveys Original Plan No. 7368,

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 disposed of in such manner as the Governor may approve.

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

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

the right-of-way separating Lot 554 on Land Titles Office Plan No. 4638 from Lot 8 on Land Titles Office Diagram No. 11595, being the land previously held by the Municipality of Bunbury in Certificate of Title Volume 1043, Folio 945, and which was dedicated as a public right-of-way under the provisions of sections two hundred and twenty-two and two hundred and twenty-seven of the Municipal Corporations Act, 1906, by proclamation gazetted the twenty-third day of August, one thousand nine hundred and forty,

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 the Municipality of Bunbury for an estate in fee simple.

(3) The Registrar of Titles shall, on application by the Municipality of Bunbury and on payment of the appropriate fee prescribed by or under any relevant Act, issue a certificate of title to the land comprised in the portion so closed.

Closure of  
portion of  
Road  
No. 7968 at  
Dandaragan.

8. (1) All that portion of Road No. 7968 in the Dandaragan Road District being—

the widening resumed from Melbourne Location 624 and surveyed as shown on Lands and Surveys Diagram No. 52472,

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 the road so closed is hereby vested as for an estate in fee simple, for a consideration of ten pounds, in the owner for the time being of the adjoining portion of Melbourne Location 624, at present the subject of Certificate of Title Volume 1088, Folio 505.

(3) The Registrar of Titles shall, on the application of the owner for the time being of the portion of Melbourne Location 624 contiguous to the portion of the road so closed and vested, and on payment of the appropriate fee prescribed by or under any relevant Act, cancel the relative certificate of title to the land and issue a new one in which the land in the portion shall be included.

(4) Where land contiguous to the portion of the road so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the portion 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 that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

9. (1) All that portion of a public road known as Francis Street in the Geraldton Municipal District being

Closure of  
portion of  
Francis  
Street,  
Geraldton.

the portion extending from the northern alignment of Eliot Street to the southern alignment of Whitfield Street,

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 shall be included in the adjoining schoolsite comprising Geraldton Lots 1463 and 1687 which are to be reserved for that purpose.

10. (1) All that portion of a public road known as Addis Street in the Kalgoorlie Municipal District, being—

Closure of  
portion of  
Addis Street,  
Kalgoorlie.

the portion extending from the eastern alignment of Russell Street to the south-western alignment of Cemetery Street,

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 may be reserved or used in such manner as the Governor may approve.

11. (1) All those portions of a public road and a public right-of-way in the Narrogin Municipal District being—

Closure of  
portion of  
Homer Street  
and a certain  
right-of-way  
at Narrogin.

(a) the portion of Homer Street, Narrogin, extending from the western alignment of Kealley Street to the eastern alignment of Gray Street as surveyed and shown on Lands and Surveys Department Original Plan No. 7386; and

(b) the right-of-way extending from the northern alignment of Homer Street, Narrogin, along the western boundary of

Narrogin Lot 973 and the northern boundaries of Lots 973 to 978 inclusive to the western alignment of Kealley Street; 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 the portion of Homer Street and the right-of-way so closed is hereby revested in Her Majesty as of her former estate with the intention that it will be included in the Narrogin High Schoolsite, Reserve No. 22787.

Closure of  
portions of  
certain roads  
at Sorrento.

12. (1) All those portions of dedicated roads in the Wanneroo Road District being—

- (a) the portion of a dedicated road one hundred and fifty links wide out of, and along the southern boundary of, Swan Location 1315 as surveyed and shown on Land Titles Office Plan 4953 commencing at the prolongation northerly of the western alignment of Road No. 10987 and extending westward to the eastern boundary of the land the subject of Land Titles Office Diagram No. 6723; and
- (b) the portion of a dedicated road separating Lots 159 and 160 on Land Titles Office Plan 4953 and being the portion commencing at its southern extremity and extending fifty links northward;

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 the portions so closed is hereby revested in Her Majesty as of her former estate with the intention that it may be disposed of to the registered proprietors of the contiguous portion of Swan Location 1315 under the provisions of the Closed Roads Alienation Act, 1932, at a price to be fixed for the purpose by the Governor.

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