



FIRST NOTICE

RELATING TO THE PROPERTY OF LOT NUMBERS 1583423 AND 1583482

NOTICE is hereby given that the City of Westmount intends to avail itself of the provisions of section 72 of the *Municipal Powers Act* (CQLR, chapter C-47.1) ("Act") to become the owner of a road open to public traffic for ten (10) years or more.

The integral text of section 72 of the Act provides as follows:

72. A road open to public traffic for 10 years or more becomes the property of the local municipality upon the observance of the following formalities prescribed by this paragraph:

- (1) the municipality adopts a resolution identifying the road concerned, either by its cadastral designation if the site of the road corresponds to that of one or more whole lots of the cadastre in force or, otherwise, by a technical description prepared by a land surveyor;
- (2) if applicable, a copy of the technical description, certified by a land surveyor, is filed with the office of the municipality; and
- (3) the municipality has a notice published twice in a newspaper in its territory. The notice must contain
 - a) the full text of this section;
 - b) a summary description of the road concerned;
 - c) a declaration that the formalities prescribed by subparagraphs 1 and 2 have been observed.

The second publication must be made after the 60th and not later than the 90th day following the first.

If registration is required by law, the municipality submits to the minister responsible for the cadastre a cadastral plan showing both the part of the road that has become its property because of this section and the remaining part. In addition, the municipality must give notice of the deposit to any person whose address has been registered in the land register, but the consent of the creditors or the beneficiary of a declaration of family residence is not required in order to obtain the new cadastral numbering.

The municipality publishes in the land register a statement referring to this section that includes the cadastral description of the land concerned and states that the formalities prescribed in the first three paragraphs have been observed.

A right that third parties might claim to the ownership of the site of the road in question is prescribed unless the appropriate recourse is exercised before the competent court within three years after the last publication prescribed in subparagraph 3 of the first paragraph.

The municipality cannot apply this section to a road on which it has levied a tax within the preceding 10 years.



Summary description of the road concerned: the road bearing lot numbers 1583423 and 1583482 of the Quebec cadastre, located to the Northwest of De Maisonneuve Boulevard West, between Metcalfe Avenue and Melville Avenue.

Notice is also given that the formalities provided for in paragraphs (1) and (2) of section 72 of the Act have been observed. On August 6, 2018, the Council of the City of Westmount adopted Resolution No. 2018-08-182 approving the acquisition of lot numbers 1583423 and 1583482, which is the road mentioned in the summary description.

GIVEN at Westmount, this August 14, 2018.

Me Nicole Dobbie
Assistant City Clerk