

71/26918

Your ref: G.27619/71
41/2/120
ED:ACB:MM

Dear Sir,

PLAN 10653
re: Right of Way off Sexton Street,
Petrie Terrace

I refer to your letter of 3rd September, 1971 regarding the above Right of Way.

In the absence of any formal dedication of this area by the registered proprietor, sch4p4(6) Personal information of Subdivision 5 of Portion 286 which was the land contained in Certificate of Title Volume 36 Folio 22, I am of the opinion that the area of land separating Resubdivisions A & B from Resubdivision C is still part of that Certificate of Title.

There is no registered grant of easement in favour of any adjoining owner entered on any title.

Yours faithfully,

F L TAYLOR

(F.L. Taylor)
REGISTRAR OF TITLES

The Town Clerk,
Brisbane City Council,
Box 1434, G.P.O.,
BRISBANE. Q. 4001.

10653'C

Investigation of Right of Way on Plan 10653

Subdivision 5 of Portion 286, Parish of North Brisbane was contained in Certificate of Title Volume 36 Folio 22 in the name of [ch4p4(6) Personal information], being registered in his name on 31st May, 1864. Plan 10653 (Surveyor [p4(6) Personal information] 3.9.1883) subdivided the land into Resubdivisions A, B & C and an undescribed strip of land 14 links wide. This plan was signed by [4p4(6) Personal information]. A pencil noting, apparently at a later date, described this strip as "Right of Way".

Request 119245 over Resubdivision C signed by [Personal information] on 25.3.1885 describes the land in question as "Right of Way", as do the metes and bounds of Certificate of Title Volume 544 Folio 97 which subsequently issued. The following Certificate of Title Volume 2039 Folio 43 (the current one) shows "Right of Way" in the diagram.

Transfer 119539 dated 30.3.1885 and signed by [ch4p4(6) Personal information] transferred Resubdivisions A & B. In this transfer and in the metes and bounds of Certificate of Title Volume 544 Folio 153 which issued subsequent to it, the land in question is described as "Right of Way". Metes and bounds of the following Certificate of Title Volume 1170 Folio 56 describe the land in question as "Right of Way". Current Certificate of Title Volume 1724 Folio 104 for Resubdivision B shows "Right of Way" in the diagram. Current Certificate of Title Volume 1776 Folio 114 for Resubdivision A shows "Lane" in the diagram, although Request A91257 contains no description of metes and bounds.

Original documents and Certificates of Title for Resubdivisions A, B & C refer to the land in question as "Right of Way". It appears to be contained still in Certificate of Title Volume 36 Folio 22 for original Subdivision 5.

[4(6) Personal information]

G.R. KIFT

Senior Computer

10.9.71.

Additional information added 15.9.71

Subdivision 43 of Allotment 287, Parish of North Brisbane (Plan 10654) adjoins the land in question to the North. Certificate of Title Volume 30 Folio 55 was registered in the name of [ch4p4(6) Personal information] on 1.3.1864. The signature of [ch4p4(6) Personal information] on Transfer 2087 which brought the land into his name, resembles the signature of the [ch4p4(6) Personal information] mentioned above. The South boundary of Subdivision 43 at this time adjoined the North boundary of Portion 286 and this was the description used in the metes and bounds of Transfer 2087 and Certificate of Title Volume 30 Folio 55. Later Transmission by Death 281937 registered 5.12.1894 [ch4p4(6) Personal information] to [ch4p4(6) Personal information] transmits Certificate of Title Volume 30 Folio 55 (Subdivision 43) and Certificate of Title Volume 544 Folio 97 (Resubdivision C of Subdivision 5 of Portion 286).

Request 481215 (Registered 29.4.1909) resulted in the issue of Certificate of Title Volume 1116 Folio 190 for Subdivision 43. In the description of metes and bounds in this Request and in the Certificate of Title, the land in question is referred to as "Lane". The wording of the Request contains a request that "the description of the metes and bounds as underwritten be accepted as the correct description".

Note that in 1883 when ch4p4(6) Personal informatio subdivided Subdivision 5 of Portion 286 (Plan 10653) he was also the registered proprietor of Subdivision 43 to the North, which adjoined the 14 link strip then created.

At present the land in question is open to Sexton Street. The surface is unformed but appears to be used as rear access to a dwelling on Subdivision 44. Resubdivision A and Subdivision 43 are vacant. Resubdivision C is fenced and contains a dwelling, while the whole of Resubdivision B is occupied by a brick electricity sub-station. Doors at the rear of the sub-station open onto the land in question.

p4(6) Personal inform

G.R. KIFT

Senior Computer

15.9.1971.



TELEGRAPHIC
AND CABLE
ADDRESS
"CIVICUS"

BRISBANE CITY COUNCIL

DEPARTMENT OF CITY ADMINISTRATION

THE CITY HALL, BRISBANE
QUEENSLAND

TELEPHONE
32 0201

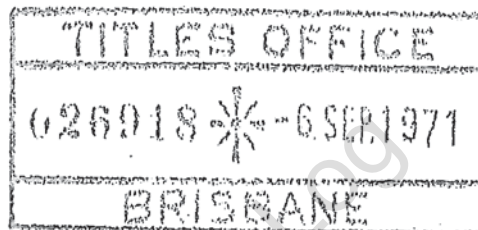
ADDRESSES ALL
COMMUNICATIONS
TO THE TOWN CLERK

IN REPLY, PLEASE QUOTE:

G.27619/71
41/2/120
ED:AGB:MM

BOX 1434, G.P.O.
BRISBANE, QLD, 4001

The Registrar of Titles,
Titles Office,
State Government Building,
Anzac Square,
BRISBANE. Q'ld 4000



3rd September, 1971.

Dear Sir,

RIGHT OF WAY OFF SEXTON ST.,
PETRIE TERRACE

The Council now owns Resub. B of Sub. 5 of Portion 286, Parish of N. Brisbane, situated at the corner of Sexton Street and Petrie Terrace, and is currently negotiating to purchase the adjoining block, Resub. A of Sub. 5 of Portion 286. The property is to be used for electricity substation purposes.

At the rear of the two properties there is what appears to be a laneway, 14 links wide, opening off Sexton Street and described on the survey plans as a "Right of Way". A copy of the relevant survey plan, No.10653 is attached.

Council records contain no information regarding this laneway, and it does not seem to serve any useful purpose, as all the properties which adjoin it already have direct access from dedicated roads. I should therefore be pleased if you would kindly inform me as to what is the exact status of this property. Is it a dedicated right of way or is it an easement, and if the latter, who has access rights over it?

Yours faithfully,

sch4p4(6) Personal information

(C.F. Sharp)
ACTING TOWN CLERK.