

Authority: Item 15, Committee of the Whole
Report 03-022 (PD03199)
CM: August 13,2003

Bill No. 028

CITY OF HAMILTON

BY-LAW NO. 04-028

**BEING A BY-LAW TO STOP UP, CLOSE AND SELL A PORTION OF THE
UNASSUMED ALLEY RUNNING NORTH/SOUTH FROM THE SOUTH LIMIT
OF 221 AVONDALE STREET TO THE NORTH LIMIT OF 235 AVONDALE
STREET, HAMILTON**

WHEREAS the Council of the City of Hamilton is empowered under Sections 31, 34 and 41 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended, to establish and lay out, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of the City of Hamilton on August 13, 2003, in adopting Item 15 of Committee of the Whole Report 03-022 authorized that steps be commenced pursuant to the *Registry Act*, R.S.O. 1990, Chap. R.20, as amended, for a Judge's Order to close that a portion of the unassumed alleyway, established by Registered Plan 374, designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8 on 62R-16324.

AND WHEREAS a Judge's Order was issued and registered on title on January 23, 2004 as Instrument No. WE212010 to close a portion of the unassumed alleyway, established by Registered Plan 374, more particularly described as Parts 1, 2, 3, 4, 5, 6, 7 and 8 on Plan 62R-16324.

AND WHEREAS notice of the City's intention to pass this By-law has been published for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of the City of Hamilton, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That part of the unassumed alleyway running north/south from the south limit of 221 Avondale Street to the north limit of 235 Avondale Street described as:

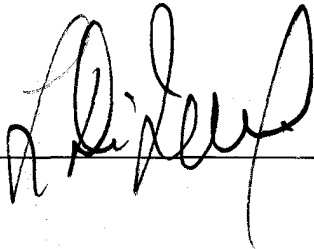
Part of the Public Lane on Registered Plan 374, designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8 on Plan 62R-16324, City of Hamilton

is hereby stopped up and closed.

2. That the soil and freehold in said portion of the unassumed alleyway running north/south from the south limit of 221 Avondale Street to the north limit of 235 Avondale Street, and designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8 on Plan 62R-16324, subject to a Right of Way in favour of Bell Canada over Parts 2, 5 and 6 on Plan 62R-16324, hereby stopped up and closed, be sold to 1233782 Ontario Inc., being the owners of the abutting property, for the sum of Three Thousand, Nine Hundred and Eighty-Eight Dollars (\$ 3,988.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED AND ENACTED on this 11th day of February, 2004.

Mayor



City Clerk

