

**Authority:** Item 10 Public Works Committee  
Report: 07-006 (PW07041)  
CM: April 25, 2007

**Bill No. 122**

**CITY OF HAMILTON**

**BY-LAW NO. 08-122**

**Being a By-law to Permanently Close an Unassumed Street, established by  
Registered Plan 310, formerly in the City of Stoney Creek, now City of  
Hamilton, designated as Parts 3 and 4 on Reference Plan 62R-17620**

**WHEREAS** the Council of the City of Hamilton is empowered under Section 34 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, to permanently close any highway or part of a highway;

**AND WHEREAS** the Council of the City of Hamilton on April 25, 2007, in adopting Item 10 of the Public Works Committee Report 07-010, 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 an unassumed street, established by Registered Plan 310, formerly in the City of Stoney Creek, now City of Hamilton, designated as Parts 3 and 4 on Reference Plan 62R-17620;

**AND WHEREAS** a Judge's Order was issued and registered on title on May 13, 2008, as Instrument No. WE546689 to close an unassumed street, established by Registered Plan 310, formerly in the City of Stoney Creek, now City of Hamilton, designated as Parts 3 and 4 on Reference Plan 62R-17620;

**AND WHEREAS** the road is a highway under the jurisdiction of the City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

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

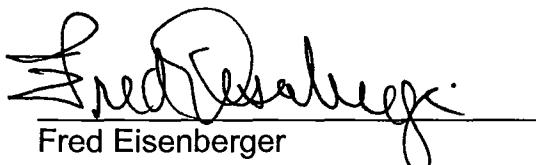
1. That the part of the unassumed alleyway, set out as:

Part of an Unopened Road, Plan 310, Lying between South Service Road & Railway Street, designated as Parts 3 and 4 on Plan 62R-17620, City of Stoney Creek, now City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Parts 3 and 4 on Plan Reference Plan 62R-17620, hereby permanently closed, be sold to Penady (Stoney Creek) Ltd. for the sum of One Hundred and Thirty-three Thousand and Eight Hundred Dollars (\$133,800.00).
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** this 28<sup>th</sup> day of May, 2008.



Fred Eisenberger  
Mayor



Rose Caterini  
Acting City Clerk