

Authority: Item 4, Public Works
Committee Report 18-008
(PW18047)
CM: June 13, 2018
Ward: 2

Bill No. 019

CITY OF HAMILTON

BY-LAW NO. 19-019

Being a By-law to Permanently Close a Portion of Public Alley Abutting 49 Walnut Street South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20965, being Part of PIN 17169-0007 (LT), City of Hamilton

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS the Council of the City of Hamilton on June 13, 2018, in adopting Item 4 of Public Works Committee Report 18-008, authorized the City to permanently close and sell a portion of a public unassumed alley abutting 49 Walnut Street South, Hamilton, Ontario, established by Registered Plan 48, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20965, being Part of PIN 17169-0007 (LT), City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on January 18, 2019, as Instrument No. WE1333544 to close a portion of a public unassumed alley abutting 49 Walnut Street South, Hamilton, Ontario, established by Registered Plan 48, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20965, being Part of PIN 17169-0007 (LT), City of Hamilton;

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 portion of a public unassumed alley, set out as:

Part of Alleyway, Plan 48, City of Hamilton, designated as Part 1, Plan 62R-20965

is hereby permanently closed.
2. That the soil and freehold of Part 1 on Reference Plan 62R-20965, hereby permanently closed, be sold to 1970703 Ontario Inc. for the sum of One Hundred Thousand Dollars (\$100,000.00).
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 on this 23rd day of January, 2019.

F. Eisenberger
Mayor

J. Pilon
City Clerk