

Authority: Item 6, Public Works Committee
Report 18-012 (PW18082)
CM: September 26, 2019
Ward: 13

Bill No. 076

CITY OF HAMILTON

BY-LAW NO. 20-076

To Permanently Close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

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 at its meeting of September 26, 2018, Council approved of Item 6 of Public Works Committee Report 18-012, and authorized the City of Hamilton to permanently close and sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton. Designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT); and

WHEREAS notice to the public of the proposed sale of the part of the road allowance has been given in accordance with the requirements of the Sale of Land Policy By-law.

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

1. The part of Moxley Road set out as follows:

To Permanently Close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

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is permanently closed.

2. The soil and freehold of the Parts 1, 2 and 3 on Plan 62R-21438, hereby permanently closed, be sold to Lafarge Canada Inc. for the sum of Three Hundred and Twenty-Three Thousand Dollars (\$323,000.00).
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 this 22nd day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk