

Authority: Item 2, Public Works Committee
Report 13-008 (PW13045)
CM: June 23, 2013

Bill No. 053

CITY OF HAMILTON

BY-LAW NO. 15-053

Being a By-law to Permanently Close an Unassumed Portion of Hazelwood Avenue, established by Registered Plan 595, City of Hamilton, designated as Parts 1, 2, 3 and 4 on Plan 62R-19879.

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 June 23, 2013, in adopting Item 2 of the Public Works Committee Report 13-008, 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 portion of Hazelwood Avenue, established by Registered Plan 595, City of Hamilton, designated as Parts 1, 2, 3 and 4 on Plan 62R-19879;

AND WHEREAS a Judge's Order was issued and registered on title on February 4, 2015, as Instrument No. WE1018252 to close an unassumed portion of Hazelwood Avenue, established by Registered Plan 595, City of Hamilton, designated as Parts 1, 2, 3 and 4 on Plan 62R-19879;

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:

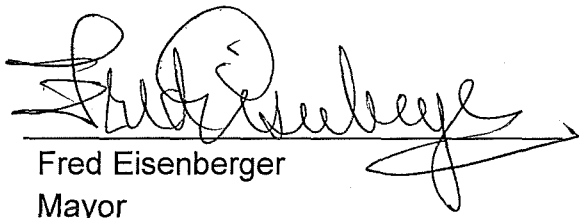
1. That the part of the unopened road allowance, set out as:

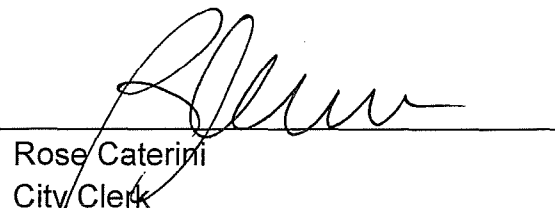
Hazelwood Avenue, established by Registered Plan 595, City of Hamilton, designated as Parts 1, 2, 3 and 4 on Plan 62R-19879

is hereby permanently closed.

2. That the soil and freehold of Parts 1, 2 and 4 on Plan 62R-19789, hereby permanently closed, be sold to Ralfana Homes Corporation, for the sum of Eighty-Three Thousand Dollars (\$83,000.00), subject to a right-of-way over Parts 2 and 4, Plan 62R-19879, with Part 4, Plan 62R-19879, to be used exclusively by the owner of 1269 Mohawk Road West for parking purposes, and Part 2 to be used by the owner of 1269 Mohawk Road West in common with the owner of 1263 Mohawk Road West for purposes of vehicular access to Mohawk Road West.
2. That the soil and freehold of Part 3 on Plan 62R-19789, hereby permanently closed, be sold to Eris Albright (the owner of 1269 Mohawk Road West), for the sum of Two Dollars (\$2.00), together with a right-of-way over Part 2, Plan 62R-19879 to be used in common with the owner of 1263 Mohawk Road West for purposes of vehicular access to Mohawk Road west, and together with a right-of-way over Part 4, Plan 62R-19879, to be used exclusively by the owner of 1269 Mohawk Road West for parking purposes.
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 11th day of February, 2015.


Fred Eisenberger
Mayor


Rose Caterini
City Clerk