

**Authority:** Item 4, Public Works Committee  
Report 15-004 (PW15019)  
CM: April 8, 2015

**Bill No. 232**

**CITY OF HAMILTON**

**BY-LAW NO. 16-232**

**Being a By-law to Permanently Close an Unassumed Portion of Alleyway  
abutting 41 Empress Avenue, Hamilton, established by Registered Plan  
449, City of Hamilton, designated as Part 1 on Plan 62R-20215, City of  
Hamilton**

**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 8, 2015 in adopting Item 4 of Public Works Committee Report 15-004, authorized that the applicant make an application to an Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, Chap. R.20., for an order to permanently close and purchase an unassumed portion of Alleyway, abutting 41 Empress Avenue, Hamilton, established by Registered Plan 449, City of Hamilton, designated as Part 1 on Plan 62R-20215;

**AND WHEREAS** a Judge's Order was issued and registered on title on August 9, 2016 as Instrument No. WE1140354 to close an Unassumed Portion of Alleyway abutting 41 Empress Avenue, established by Registered Plan 449, City of Hamilton, designated as Part 1 on Plan 62R-20215, 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.

Being a By-law to Permanently Close an Unassumed Portion of Alleyway, abutting 41  
Empress Avenue, Hamilton, established by Registered Plan 449, City of Hamilton,  
designated as Part 1 on Plan 62R-20215, City of Hamilton

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

1. That the part of the unopened road allowance, set out as:  
  
Part of Alleyway, Registered Plan 449, designated as Part 1 on Plan 62R-20215, City of Hamilton, is hereby permanently closed.
2. That the soil and freehold of Part 1 on Plan 62R-20215, hereby permanently closed, be sold to Deborah Lynne Toth for the sum of Two Dollars (\$2.00).
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 12<sup>th</sup> day of August, 2016.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk