

Authority: Item 6, Public Works Committee Report 23-009 (PW23037)
CM: June 21, 2023 Ward: 1
Written approval for this by-law was given by Mayoral Decision MDE-2024 07
dated March 27, 2024

Bill No. 043

CITY OF HAMILTON

BY-LAW NO. 24-043

**Being a By-law to Permanently Close a Portion of Unassumed Alleyway
Abutting 428 Main Street West, Hamilton, established by Registered Plan 398,
in the City of Hamilton, designated as Part 2 on Reference Plan 62R-8417,
being Part of PIN 17141-0215 (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 at its meeting of June 12, 2023, the Council approved Item 6 of Public Works Committee Report 23-009, and authorized the City to permanently close and sell a portion of a unassumed alleyway abutting 428 Main Street West, Hamilton Ontario, established by Registered Plan 398, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-8417, being Part of PIN 17141-0215 (LT), 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 the unassumed alley, set out as:

Part Alley, Plan 398, in the City of Hamilton, designated as Part 2 on Plan 62R-8417, being Part of PIN 17141-0215 (LT)

is hereby permanently closed.

2. That the soil and freehold of Part 2 on Reference Plan 62R-8417, hereby permanently closed, be sold to 428 Main Street West Joint Venture Inc. for the sum of Forty Thousand Dollars (\$40,000.00).

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 27th day of March, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk