

Authority: Item 3, Public Works Committee
Report 17-009 (PW17055)
CM: July 14, 2017
Ward: 4

Bill No. 341

CITY OF HAMILTON

BY-LAW NO. 18-341

Being a By-law to Permanently Close a Portion of a Public Unassumed Alley Abutting 353 Strathearne Avenue, Hamilton, established by Registered Plan 514, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20716, 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 July 14, 2017, in adopting Item 3 of Public Works Committee Report 17-009, authorized the City to permanently close and sell a portion of a public unassumed alley abutting 353 Strathearne Avenue, Hamilton, established by Registered Plan 514, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-2716, being Part of PIN 17254-0210 (LT), City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on December 12, 2018, as Instrument No. WE1327312 to close a portion of public unassumed alley abutting 353 Strathearne Avenue, Hamilton, established by Registered Plan 514, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20716, being Part of PIN 17254-0210 (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 public unassumed alley, set out as:

Part of the Alleyway on Registered Plan 514, in the City of Hamilton, designated as Part 1, Plan 62R-20716, City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-20716, hereby permanently closed, be sold to The Estate of Steven Popovich 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 on this 19th day of December, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk