

CITY OF HAMILTON

BY-LAW NO. 04-262

**BEING A BY-LAW TO PERMANENTLY CLOSE AND SELL PART OF THE
UNASSUMED ALLEY NORTH OF 287 WALTER AVENUE NORTH,
HAMILTON, LYING BETWEEN TOLTON AVENUE AND WALTER AVENUE,
REGISTERED PLAN 534, DESIGNATED AS PART 2 ON PLAN 62R-16547,
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 May 12, 2004, in adopting Item 2 of the Planning & Economic Development Committee Report 04-009, 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 that portion of the unassumed alleyway, established by Registered Plan 534, designated as Part 2 on Plan 62R-16547;

AND WHEREAS a Judge's Order was issued and registered on title on October 22, 2004, as Instrument No. WE269441 to close part of the unassumed alleyway, established by Registered Plan 534, more particularly described as Part 2 on Plan 62R-16547;

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;

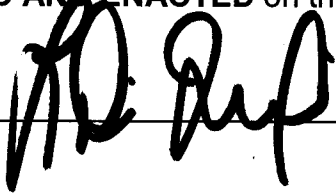
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the part of the unassumed alleyway lying between Tolton Avenue and Walter Avenue, Registered Plan 534, designated as Part 2 on Plan 62R-16547, City of Hamilton, is hereby permanently closed.

2. That the soil and freehold of Part 2 on Plan 62R-16547, subject to an Easement in favour of Union Gas Limited over Part 2 on Plan 62R-16547, hereby permanently closed, be sold to Peter Lucek and Nicholas Lucek, being the owners of the abutting property, for the sum of Two Thousand and Five Hundred Dollars (\$2,500.00).
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 AND ENACTED on this 27th day of October, 2004.

Mayor



City Clerk

