

Authority: Committee of the
Whole Report 01-033
(PD01184)
CM: October 16,2001

Bill No. 026

City of Hamilton

BY-LAW No. 05-026

Respecting:

REMOVAL OF PART-LOT CONTROL

FOR BLOCK 9,
REGISTERED PLAN 62M-1006

WHEREAS the Planning Act, (R.S.O. 1990, Chapter P.13 Section 50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS the Planning Act, Section 50 (7) states, in part, as follows:

(7) **Designation of lands not subject to Part-Lot Control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities, namely The Corporation of the City of Hamilton;

AND WHEREAS the authority to approve this by-law enacted under subsection 7 of Section 50 of the Planning Act is vested in the City of Hamilton, as contemplated by section 50 (7.2) of the Act, because the City is, pursuant to section 51(6) of the Planning Act, the approval authority for plans of subdivision;

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

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of permitting the sale of the following land into ten (10) residential parcels for the development of street townhouse units, described as Parts 1 to 37 (inclusive), on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

2. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating twelve (12) utility easements, described as Parts 2, 5, 9, 13, 17, 21, 22, 25, 26, 29, 33 and 37 on Reference Plan 62R-16986, attached as Schedule "A", shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

3. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating six (6) maintenance easements, described as Parts 6, 10, 14, 18, 30, and 34 on Reference Plan 62R-16986, attached as Schedule “A”, shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

4. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating nine (9) access easements, described as Parts 3, 7, 11, 15, 19, 23, 27, 31, and 35 on Reference Plan 62R-16986, attached as Schedule “A”, shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

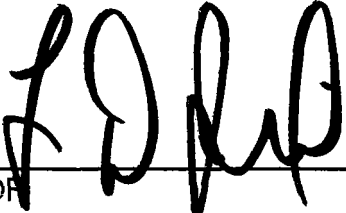
Block 9, Registered Plan 62M-1006, in the City of Hamilton


5. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating a condominium corporation for access to individual driveways for the ten (10) residential parcels, described as Part 38 on Reference Plan 62R-16986, attached as Schedule “A”, shall not apply to lands within the portions of the registered plan of subdivision that are designated as follows:

Block 9, Registered Plan 62M-1006, in the City of Hamilton

6. This by-law shall be registered on title to the said land and shall come into force and effect on the date of such registration.
7. This By-law shall cease, expire and be of no further effect on February 28, 2007.

PASSED and ENACTED this 23rd day of February A.D. 2005.


MAYOR

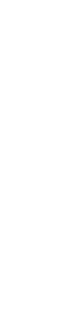

CLERK

PLAN 62R-16986
RECEIVED AND DEPOSITED
DATE Dec 21/04
C. Bufalino
LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF
WENTWORTH (NO 62)

DATE DECEMBER 17, 2004
JASON P. HAZEN
ONTARIO LAND SURVEYOR

PLAN OF SURVEY OF
BLOCK 9
REGISTERED PLAN 62M-1006
IN THE
CITY OF HAMILTON
SCALE 1:250
J. D. BARNES LIMITED

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



NOTES
BEARINGS ARE STRONG AND REFERRED TO THE WESTERN
MAGNETIC MERIDIAN, NAD 83 AS SHOWN ON REGISTERED PLAN 62M-1006.
■ DENOTES SURVEY MONUMENT SET
□ DENOTES SURVEY MONUMENT FOUND
R DENOTES ROD IRON BAR
S DENOTES SHORT STANDARD IRON BAR
SSB DENOTES SHORT STANDARD IRON BAR SET
PAM DENOTES PLAN 62R-16986 AND MEASURED
REGISTERED PLAN 62M-1006
D.C. DENOTES DOWEL UNDER CONSTRUCTION
F/W DENOTES FACE OF WALL
P/W DENOTES PRODUCTION OF PAGE OF WALL

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 15th DAY OF SEPTEMBER, 2004.

DATE DECEMBER 17, 2004
JASON P. HAZEN
ONTARIO LAND SURVEYOR

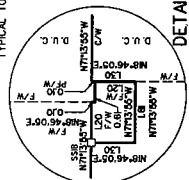
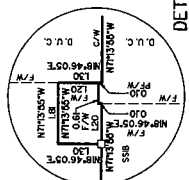
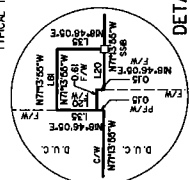
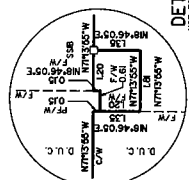
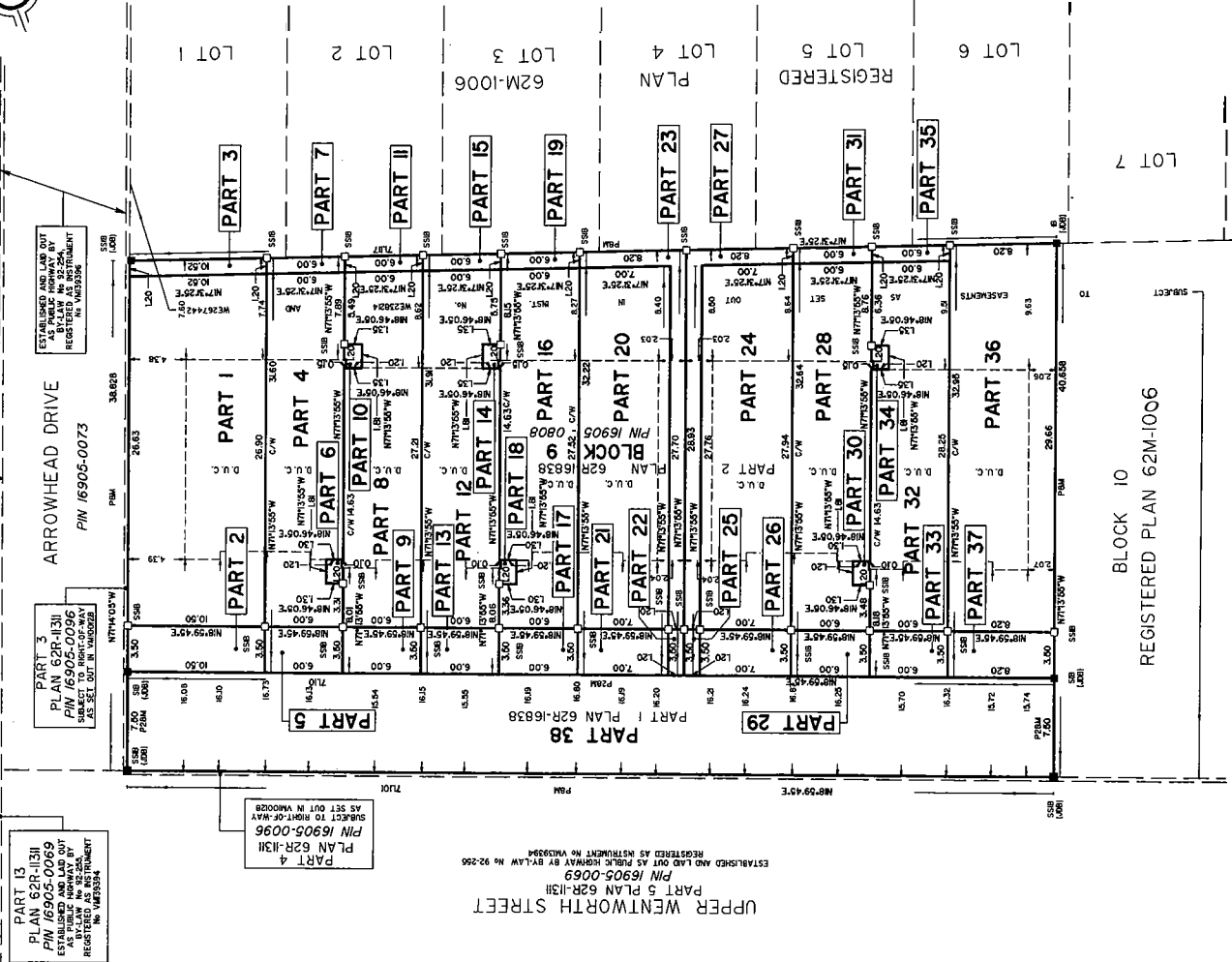
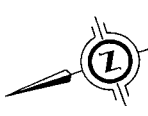


J. D. BARNES SURVEYING & MAPPING LIMITED
40 WEBB LAMBERT WAY, SUITE 4 MILTON, ONTARIO L7T 4C1
T: (905) 875-9933 F: (905) 875-9936 www.jdbarnes.com

DRAWN BY: LD CHECKED BY: JPH REFERENCE NO.: 88-29-121-44-B
FILE: P16986/2004/16986/PLAN 62M-1006 DATED: DECEMBER 17, 2004
PLOTTED: 30 DEC 2004

PART	LOCATION	P.L.N.	AREA, m ²
1			281.3
2			36.7
3			12.9
4			95.8
5			21.0
6			2.3
7			7.2
8			104.4
9			21.0
10			2.4
11			7.2
12			81.3
13			21.0
14			2.4
15			7.2
16			95.4
17			21.0
18			2.3
19			7.2
20			193.2
21			24.5
22			4.2
23			43.1
24			84.8
25			4.2
26			24.5
27			43.1
28			85.8
29			21.0
30			2.3
31			7.2
32			98.8
33			21.0
34			2.4
35			7.2
36			242.3
37			28.7
38			531.2

ALL OF PARTS 1 TO 38 REGISTERED PLAN 62M-1006
PARTS 1 TO 38 COMPRISE ALL OF BLOCK 9 AND ALL OF P.M. 16905-0090.
PARTS 1 TO 38 SUBJECT TO EASEMENTS AS SET OUT IN REG. NO. 16928/04 AND WEST 4142



ARROWHEAD DRIVE
DEDICATED BY REGISTERED PLAN 62M-578
PIN 16905-0072

ESTABLISHED AND LAD OUT
AS PUBLIC HIGHWAY BY BY-LAW NO. 22-254
REGISTERED AS INSTRUMENT
NO. 16928/04

ARROWHEAD DRIVE
PIN 16905-0073

PART 3
PLAN 62R-1131
PIN 16905-0096
ESTABLISHED AND LAD OUT
AS PUBLIC HIGHWAY BY
REGISTERED AS INSTRUMENT
NO. 16928/04

PART 4
PLAN 62R-1131
PIN 16905-0099
ESTABLISHED AND LAD OUT
AS PUBLIC HIGHWAY BY
REGISTERED AS INSTRUMENT
NO. 16928/04

PART 10
PLAN 62R-1131
PIN 16905-0096
ESTABLISHED AND LAD OUT
AS PUBLIC HIGHWAY BY
REGISTERED AS INSTRUMENT
NO. 16928/04

UPPER WENTWORTH STREET
PART 5 PLAN 62R-1131
PIN 16905-0069
ESTABLISHED AND LAD OUT AS PUBLIC HIGHWAY BY BY-LAW NO. 22-256
REGISTERED AS INSTRUMENT NO. 16939/04

BLOCK 10
REGISTERED PLAN 62M-1006