

**Authority:** Item 4, Public Works  
Committee Report 18-008  
(PW18047)  
CM: June 13, 2018  
Ward: 2

**Bill No. 019**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-019**

**Being a By-law to Permanently Close a Portion of Public Alley Abutting 49 Walnut Street South, Hamilton, established by Registered Plan 48, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20965, being Part of PIN 17169-0007 (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** the Council of the City of Hamilton on June 13, 2018, in adopting Item 4 of Public Works Committee Report 18-008, authorized the City to permanently close and sell a portion of a public unassumed alley abutting 49 Walnut Street South, Hamilton, Ontario, established by Registered Plan 48, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20965, being Part of PIN 17169-0007 (LT), City of Hamilton;

**AND WHEREAS** a Judge's Order was issued and registered on title on January 18, 2019, as Instrument No. WE1333544 to close a portion of a public unassumed alley abutting 49 Walnut Street South, Hamilton, Ontario, established by Registered Plan 48, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20965, being Part of PIN 17169-0007 (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 portion of a public unassumed alley, set out as:  
  
Part of Alleyway, Plan 48, City of Hamilton, designated as Part 1, Plan 62R-20965  
  
is hereby permanently closed.
2. That the soil and freehold of Part 1 on Reference Plan 62R-20965, hereby permanently closed, be sold to 1970703 Ontario Inc. for the sum of One Hundred Thousand Dollars (\$100,000.00).
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 23<sup>rd</sup> day of January, 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
City Clerk