

Authority: Item 33, Committee of the Whole
Report 06-18 (PW04133b)
CM: August 9, 2006

Bill No. 254

CITY OF HAMILTON

BY-LAW NO. 06-254

**BEING A BY-LAW TO EXPROPRIATE AN EASEMENT OVER CERTAIN
LANDS IN THE CITY OF HAMILTON, BEING PART OF LOT 15,
CONCESSION 8, IN THE GEOGRAPHIC TOWNSHIP OF BARTON,
DESIGNATED AS PART 1 ON PLAN 62R-15255, BEING PART OF PIN 16912-
0018(LT), KNOWN MUNICIPALLY as 1041 WEST 5TH STREET, HAMILTON,
FOR THE PURPOSES OF SANITARY SEWER INSTALLATIONS**

WHEREAS Section 6 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended empowers a municipality to expropriate land in accordance with the Expropriations Act.

AND WHEREAS the City of Hamilton, as expropriating authority, made application to the Council of the City of Hamilton on the 3rd day of October, 2005 for approval to expropriate an Easement over Part 1 on Plan 62R-15255, being the land described in Schedule "A" attached hereto (and forming part of this by-law) in accordance with the Expropriations Act, R.S.O. 1990, Chapter E.26;

AND WHEREAS the City of Hamilton as expropriating authority did serve a Notice of the said Application for Approval to Expropriate upon each registered owner of the said lands and did publish a Notice of the Application for Approval to Expropriate in the Hamilton Spectator; a newspaper having general circulation in the City of Hamilton, in accordance with the Expropriations Act;

AND WHEREAS no request for an Inquiry Hearing was made by any of the owners of the lands described in Schedule "A" attached hereto and accordingly no Inquiry Hearing has been held;

AND WHEREAS the Council of the City of Hamilton, as approving authority deems it expedient to grant the Application to Expropriate the said lands.

NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. That, as approving authority under the Expropriations Act, the said Application for Approval to Expropriate an Easement over the lands more particularly described in Schedule "A" attached hereto (and forming part of this By-law), made by the City of Hamilton as expropriating authority, be and

-2- **By-law to Expropriate an Easement
over lands Municipally known
as 1041 West 5th Street**

the same is hereby granted and an Easement over the said lands being Part 1 on Reference Plan 62R-15255, registered in the Land Titles Office for the Land Titles Division of Wentworth (No. 62), being Part of PIN 16912-0018(LT), is hereby expropriated for the purposes of sanitary sewer installations.

2. That the Mayor, Clerk and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this By-law and this authority shall include the taking of all necessary proceedings to enter and to take possession of the lands hereby expropriated.

PASSED and ENACTED this 13th day of September, 2006.

MAYOR



CITY CLERK



SCHEDULE A TO BY-LAW NO. 06-254

CITY OF HAMILTON EXPROPRIATION OF AN EASEMENT OVER:

ALL AND SINGULAR those lands and premises located in the City of Hamilton and the Province of Ontario being composed of Part of Lot 15, Concession 8, in the geographic Township of Barton, designated as Part 1 on Plan 62R-15255, City of Hamilton, being Part of PIN 16912-0018(LT).