

Authority: Item 7, Public Works, Infrastructure and Environment Committee Report 05-010
CM: June 15, 2005
(Amendment: Item 7.4 Motions
C.M. June 14, 2006)
Item 5, Public Works, Infrastructure and Environment Committee Report 05-018
CM: December 14, 2005
(Amendment: Item 7.1 Motions
C.M. August 9, 2006)

Bill No. 280

**CITY OF HAMILTON
BY-LAW NO. 06-280**

BEING A BY-LAW TO PERMANENTLY CLOSE AND SELL AN UNASSUMED PORTION OF BEACH BOULEVARD, NORTH OF HIGHWAY NO. 8, ESTABLISHED BY REGISTERED PLAN 862, CITY OF STONEY CREEK, NOW CITY OF HAMILTON, DESIGNATED AS PARTS 2, 3, 4 AND 5 ON PLAN 62R-17428, RESERVING AN EASEMENT OVER PARTS 2 AND 5 ON REFERENCE PLAN 62R-17428 IN FAVOUR OF THE 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 June 15, 2005 in adopting Item 7 of the Public Works, Infrastructure and Environment Committee Report 05-010 as amended on June 14, 2006, in adopting Item 7.4 of the Motions, and on December 14, 2005 in adopting Item 5 of the Public Works, Infrastructure and Environment Committee Report 05-018 as amended on August 9, 2006, in adopting Item 7.1 of the Motions, authorized that an application be made to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and sell an unassumed portion of Beach Boulevard, Registered Plan 862, designated as Parts 2, 3, 4 and 5 on Plan 62R-17428, City of Stoney Creek, now City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on September 20, 2006, as Instrument No. WE421115 to close part of Beach Boulevard, north of Highway No. 8, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 2, 3, 4 and 5 on

**By-law to Permanently Close and
Sell an Unassumed Portion of Beach
Boulevard**

Reference Plan 62R-17428, reserving an easement over Parts 2 and 5 on Reference Plan 62R-17428 in favour of the 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 part of the unopened road allowance, set out as:

An Unassumed portion of Beach Boulevard, north of Highway No. 8, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-17428, reserving an easement over Parts 2 and 5 on Reference Plan 62R-17428 in favour of the City of Hamilton, is hereby permanently closed.

2. That the soil and freehold of Parts 2, 3, 4 and 5 on Plan 62R-17428, subject to an Easement reserved to the City of Hamilton over Parts 2 and 5 on Plan 62R-17428, hereby permanently closed, be sold to Kargo Properties Inc. for the sum of Sixty Thousand Dollars (\$60,000.00).
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 AND ENACTED on this 27th day of September, 2006.

MAYOR

CLERK