

Authority: Item 5, Public Works, Infrastructure
and Environment Committee
Report 05-018 (PW05135)
CM: December 14, 2005
Amendment: Item 7.1, Motions
CM: August 9, 2006

Bill No. 297

CITY OF HAMILTON

BY-LAW NO. 07-297

Being a By-law to Permanently Close an Unassumed Portion of Beach Boulevard, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 1 and 2 on Reference Plan 62R-17362, Reserving an Easement over Part 2 on Reference Plan 62R-17362 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 December 14, 2005, in adopting Item 5 of the Public Works Infrastructure and Environment Committee Report 05-018, amended by Item 7.1, Motion on August 9, 2006, 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 an unassumed portion of Beach Boulevard, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 1 and 2 on Reference Plan 62R-17362;

AND WHEREAS a Judge's Order was issued and registered on title on October 15, 2007, as Instrument No. WE503833 to close an unassumed portion of Beach Boulevard, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 1 and 2 on Reference Plan 62R-17362, reserving an easement over Part 2 on Reference Plan 62R-17362;

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:

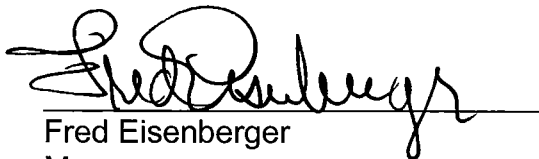
1. That the part of the unopened road allowance, set out as:

Part of Beach Boulevard, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 1 and 2 on Reference Plan 62R-17362, reserving an easement over Part 2 on Reference Plan 62R-17362 in favour of the City of Hamilton.

is hereby permanently closed.

2. That the soil and freehold of Parts 1 and 2 on Plan Reference Plan 62R-17362, subject to an easement reserved to the City of Hamilton over Part 2 on Reference Plan 62R-17362, hereby permanently closed, be sold to Loreto Pelone and Lydia Pelone for the sum of One Hundred and Six Thousand and Five Hundred Dollars (\$106,500.00).
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 24th day of October, 2007.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk