

**Authority:** Item 2, Public Works Committee  
Report 10-007 (PW10046)  
CM: May 12, 2010

**Bill No. 114**

**CITY OF HAMILTON**

**BY-LAW NO. 11-114**

**BEING A BY-LAW TO PERMANENTLY CLOSE AND SELL PART OF THE UNASSUMED ALLEYWAY ABUTTING 1594 BARTON STREET EAST, HAMILTON, LYING BETWEEN NORMANHURST AVENUE, TOLTON AVENUE, BARTON STREET AND MELVIN AVENUE, REGISTERED PLAN 534, DESIGNATED AS PART 2 ON PLAN 62R-18797, 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 May 12, 2010, in adopting Item 2 of the Public Works Committee Report 10-007, 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 that portion of the unassumed alleyway, established by Registered Plan 534, designated as Part 2 on Plan 62R-18797;

**AND WHEREAS** a Judge's Order was issued and registered on title on April 21, 2011 as Instrument No. WE755126 to close part of the unassumed alleyway lying between Normanhurst Avenue, Tolton Avenue, Barton Street and Melvin Avenue, as established by Registered Plan 534, more particularly described as Part 2 on Plan 62R-18797;

**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 unassumed alleyway lying between Normanhurst Avenue, Tolton Avenue, Barton Street and Melvin Avenue, Registered Plan 534, designated as Part 2 on Plan 62R-18797, City of Hamilton, is hereby permanently closed.
2. That the soil and freehold of Part 2 on Plan 62R-18797, be sold to Joseph Tadeusz Rzasa, being the owner of the abutting property, for the sum of One Dollar (\$1.00).
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 27<sup>th</sup> day of April, 2011.

  
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R. Bratina  
Mayor

  
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R. Caterini  
City Clerk