

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

Bill No. 151

CITY OF HAMILTON

BY-LAW NO. 11-151

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 1 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 1 on Plan 62R-18797;

AND WHEREAS a Judge's Order was issued and registered on title on June 13, 2011 as Instrument No. WE765136 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 1 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 1 on Plan 62R-18797, City of Hamilton, is hereby permanently closed.
2. That the soil and freehold of Part 1 on Plan 62R-18797, be sold to Pioneer Petroleums Management Inc., being the owner of the abutting property, for the sum of Twelve Thousand Dollars (\$12,000.00).
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 15th day of June, 2011.



R. Bratina
Mayor



M. Gallagher
Acting City Clerk