

**Authority:** Item 3, Public Works, Committee  
Report 12-007 (PW12046)  
CM: June 13, 2012

**Bill No. 189**

**CITY OF HAMILTON**

**BY-LAW NO. 12- 189**

**Being a By-law to Permanently Close an Unassumed Portion of Elizabeth Street and an Unassumed Portion of Unnamed Street, established by Registered Plan 310, City of Stoney Creek, now City of Hamilton, designated as Part 5 on Plan 62R-14865**

**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 13, 2012, in adopting Item 3 of Public Works Committee Report 12-007, authorized that the applicant make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, Chap. R.20., for an order to permanently close and purchase an unassumed portion of Elizabeth Street and an unassumed portion of Unnamed Street, established by Registered Plan 310, City of Stoney Creek, now City of Hamilton, designated as Part 5 on Plan 62R-14865;

**AND WHEREAS** a Judge's Order was issued and registered on title on August 1, 2012, as Instrument No. WE847832 to close an unassumed portion of Elizabeth Street and an unassumed portion of Unnamed Street, established by Registered Plan 310, City of Stoney Creek, now City of Hamilton, designated as Part 5 on Plan 62R-14865;

**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 Elizabeth Street and Part of Unnamed Street, Registered Plan 310, designated as Part 5 on Plan 62R-14865, City of Stoney Creek, now City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 5 on Plan 62R-14865, hereby permanently closed, be sold to Movengo Corp., for the sum of One Hundred and Sixty-Six Thousand Dollars (\$166,000.00).
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 16<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
City Clerk