

Authority: Item 3, Public Works Committee
Report 19-006 (PW19033)
CM: May 8, 2019
Ward: 2

Bill No. 114

CITY OF HAMILTON

BY-LAW NO. 20-114

Being a By-law to Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 255-261 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS the Council of the City of Hamilton on May 8, 2019, in adopting Item 3 of Public Works Committee Report 19-006, authorized the City to permanently close and sell an unassumed portion of the alleyway abutting 255-261 Wellington Street North, Hamilton, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on May 28, 2020, as Instrument No. WE1433033 to close portions of the unassumed alleyway abutting 255-261 Wellington Street North, Hamilton, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

Being a By-law to Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 255-261 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton

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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 portion of the public unassumed alleyway, set out as:

Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street on Registered Plan 287 in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21203; City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-21203, hereby permanently closed, be sold to 467052 Ontario Limited for the sum of Two Hundred and Fifteen Thousand Dollars (\$215,000.00), said amount includes additional portion of alley described as Part 1 on Reference Plan 62R-21081, also to be sold to 467052 Ontario Limited.
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 this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk