CITY OF HAMILTON

BY-LAW NO. 20-115

Being a By-law to Permanently Close and Sell Portions of Public
Unassumed Alleys abutting 222 Barton Street East, 263 and 265 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-21081, 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 January 25, 2017, in
adopting Item 6 of Public Works Committee Report 17-001, authorized the City to
permanently close and sell unassumed portions of the alleyway abutting 222
Barton Street East, 263 and 265 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-21081, 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 222 Barton Street East, 263 and 265 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-21081, 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;
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-21081; City of Hamilton

   is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-21081, 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-21203, 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.

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F. Eisenberger                        A. Holland
Mayor                           City Clerk