

Authority: Item 47, Committee of the Whole
Report 01-025 (PD01146)
CM: August 22, 2001
Ward: 12

Bill No. 030

CITY OF HAMILTON

BY-LAW NO. 21-030

To Permanently Close and Sell a Portion of Cooley Grove Being Block 238 on Plan 62M-1237

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 by execution of a Subdivision Agreement dated September 28th, 2015 between the City of Hamilton and 2054971 Ontario Inc., the City has authorized and agreed to the closure and conveyance of a certain portion of Cooley Grove being Block 238 on Plan 62M-1237, when deemed by the City to no longer be required for road purposes; and

WHEREAS by registration of a Plan of Subdivision bearing instrument Number WE1186465 on February 16, 2017, the lands legally described as Block 238 on Plan 62M-1237 were dedicated to the City of Hamilton as public highways, however through inadvertence, the Land Registry Office for the Land Titles Division of Wentworth (No. 62) did not transfer title to said lands to the City of Hamilton;

WHEREAS notice to the public of the proposed sale of the part of the road allowance has been given in accordance with the requirements of the Sale of Land Policy By-law.

WHEREAS Ancaster-Rose Homes Inc. the registered Owner of the said Lands consents to the registration of this By-law over the said Lands;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The part of the road allowance, being Cooley Grove described as Block 238 on Plan 62M-1237, City of Hamilton, is permanently closed.

2. If necessary to correct the error of the Land Registry Office described in the recitals, the soil and freehold of the part of the road allowance permanently closed under section 1 may be acquired from Ancaster-Rose Homes Inc. and conveyed back to Ancaster-Rose Homes Inc. for the sum of two dollars (\$2.00) in accordance with the intent of the Subdivision Agreement dated September 28, 2015 between City of Hamilton and 2054971 Ontario Inc. registered as Instrument No. WE1088731.
3. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 31st day of March, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk