

**Authority:** Item 1, Planning Committee Report  
15-016 (PED15160)  
CM: October 28, 2015  
Ward: 11

**Bill No. 038**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Repeal and Replace By-law No. 18-001, Being a By-law to Permanently Close and Sell a Portion of Kinsman Drive being Parts 1 to 6, inclusive, on Plan 62R-19974, 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** by execution of a Subdivision Agreement dated October 25, 2016 between the City of Hamilton and Empire Communities (Caterini) Ltd., the City has authorized and agreed to the closure and conveyance of a certain portion of Kinsman Drive being Parts 1 to 6 inclusive, on Plan 62R-19974, when deemed by the City to no longer be required for road purposes; and

**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.

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

1. The part of the road allowance, being Kinsman Drive being Parts 1 to 6 inclusive, on Plan 62R-19974, City of Hamilton, is permanently closed.
2. The soil and freehold of the part of the road allowance permanently closed under section 1 is to be sold to Empire Communities (Caterini) Ltd. for the sum of two dollars (\$2.00) pursuant to the terms of the Subdivision Agreement dated October 25, 2016 between City of Hamilton and Empire Communities (Caterini) Ltd. registered as Instrument No. WE1182574 on January 30, 2017.

3. By-law No. 18-001 is repealed.
4. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 28<sup>th</sup> day of February, 2018.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk