

Authority: Item 8, Public Works Committee
Report 16-020 (PW16091)
CM: December 14, 2016
Ward: 4

Bill No. 118

CITY OF HAMILTON

BY-LAW NO. 18-

Being a By-law to Permanently Close an unassumed portion of an Alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (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

AND WHEREAS the Council of the City of Hamilton on December 14, 2016, in adopting Item 8 of Public Works Committee Report 16-020, authorized the City to permanently close and sell an unassumed portion of an alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (LT); City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on April 25, 2018, as Instrument No. WE1280419 to close a portion of an alley abutting 131 Ivon Avenue, Hamilton, Ontario, established by Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706, being part of PIN 17265-0332 (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 unassumed alley, set out as:

Part of Alley, Registered Plan 534, City of Hamilton, designated as Part 1 on Reference Plan 62R-20706; City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-20706, hereby permanently closed, be sold to Richard Fieldsend Robertson and Beverley Ann Robertson for the appraised market value.
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 9th day of May, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk