

CITY OF HAMILTON

MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY COUNCILLOR

Amendment to Item 1 of the Public Works Committee Report 19-002 respecting Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)

WHEREAS, the subject road closure application was applied for by Panattoni Development Company on behalf of the adjoining land owner but failed to indicate the intended owner of the road to be closed;

WHEREAS, the adjoining lands are owned by Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.; and,

WHEREAS, the Panattoni Development Company is a related company to Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc;

THEREFORE, BE IT RESOLVED:

That Item 1 of the Public Works Committee Report 19-002, be amended by correcting the name of the applicant and revising subsection (f), to read as follows:

- 1. Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)**

That the application of ~~Panattoni Development Company~~ ***Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.***, to permanently close and purchase a portion of Wetenhall Court, Hamilton (“Subject Lands”), as shown on Appendix "A" and Appendix “B”, attached to Public Works Committee Report 19-002, be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
- (b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed highway to ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.**, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (c) The City Solicitor be authorized to complete the transfer of the Subject Lands to ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.** pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
- (d) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (e) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (f) That the applicant enters into **any ancillary** agreements ~~with any required by the City and any~~ Public Utility ~~requiring easement protection~~; and,
- (g) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.