

CITY OF HAMILTON

MOTION

Council: October 23, 2019

MOVED BY COUNCILLOR L. FERGUSON.....

SECONDED BY COUNCILLOR

Amendment to Item 3 of the Public Works Committee Report 19-004 respecting Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 20 Birch Avenue, Hamilton (PW19028) (Ward 3) (Item 8.2)

That Item 3 of the Public Works Committee Report 19-004, be *amended* by correcting the address of the Subject Lands from 20 Birch Avenue to 651 Wilson Street, as follows:

3. **Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting ~~20 Birch Avenue~~ 651 Wilson Street, Hamilton (PW19028) (Ward 3) (Item 8.2)**
 - (a) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
 - (ii) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
 - (b) 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;
 - (c) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:

- (i) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed alleyway to the owners of ~~20 Birch Avenue~~ **651 Wilson Street**, Hamilton, as described in Report PW19028, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of ~~20 Birch Avenue~~ **651 Wilson Street**, Hamilton, 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;
 - (iv) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office; and,
 - (v) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (d) That the applicant enters into agreements with any Public Utility requiring easement protection; and,
- (e) That the City of Hamilton retain any necessary road widenings to the satisfaction of the Manager, Geomatics and Corridor Management, in accordance with the City of Hamilton Official Plan.