

**Authority:** Item 6, Public Works Committee  
Report 18-012 (PW18082)  
CM: September 26, 2019  
Ward: 13

**Bill No. 076**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-**

**To Permanently Close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)**

**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** at its meeting of September 26, 2018, Council approved of Item 6 of Public Works Committee Report 18-012, and authorized the City of Hamilton to permanently close and sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton. Designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT); 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 Moxley Road set out as follows:

To Permanently Close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

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is permanently closed.

2. The soil and freehold of the Parts 1, 2 and 3 on Plan 62R-21438, hereby permanently closed, be sold to Lafarge Canada Inc. for the sum of Three Hundred and Twenty-Three Thousand Dollars (\$323,000.00).
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** this 22<sup>nd</sup> day of April, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk