

**Authority:** Item 47, Committee of the  
Whole Report 01-025  
(PD01146)  
CM: August 22, 2001  
Ward: 9

**Bill No. 152**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **To Permanently Close and Sell a Portion of Utter Place being Blocks 9 and 13 on Plan 62M-1256**

**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 22, 2012 and Amending Subdivision Agreement dated August 9, 2018 between the City of Hamilton and Empire Communities (Stoney Creek) Ltd., the City has authorized and agreed to the closure and conveyance of a certain portion of Utter Place being Blocks 9 and 13 on Plan 62M-1256, 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 Utter Place, in the City of Hamilton, described as Block 9 and 13 on Plan 62M-1256, 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 (Stoney Creek) Ltd. for the sum of two dollars (\$2.00) pursuant to the terms of the Subdivision

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Agreement dated October 22, 2012 and Amending Subdivision Agreement dated August 9, 2018 between City of Hamilton and Empire Communities (Stoney Creek) Ltd. registered as Instrument No. WE908643 and WE1305400.

3. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 15<sup>th</sup> day of September, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk