

CITY OF HAMILTON

MOTION

Council: March 29, 2023

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR

Amendment to Item 4 of the Public Works Committee Report 21-005, respecting Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1), which was approved by Council, as amended, on April 28, 2021

WHEREAS, Council on April 28, 2021 approved the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1); and

WHEREAS, on March 10, 2023, correspondence was provided by 1643055 Ontario Ltd., the new owners of 63 New Street, Hamilton, to the Right-of-Way Coordinator, Public Works Department, requesting that the permanent closure and sale of the unassumed alleyway abutting 63 New Street Hamilton, be rescinded and that the lands remain as an unassumed public alleyway.

THEREFORE, BE IT RESOLVED:

That Item 4 of the Public Works Committee Report 21-005, respecting Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1), be **amended**, as follows:

4. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021) (Ward 1) (Item 9.2)

- (a) That the application of the owner of 63 New Street, Hamilton, to permanently close and purchase a portion of the public unassumed alleyway, abutting the south side of 63 New Street, Hamilton, running east/west from the westerly limit of the alleyway to the east property limit of 63 New Street, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Public Works Committee Report 21-005, be **withdrawn**.

~~(i) — 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:~~

- ~~(1) — The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,~~
 - ~~(2) — 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;~~
- ~~(ii) — 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;~~
- ~~(iii) — That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:~~
- ~~(1) — The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;~~
 - ~~(2) — That the City Solicitor be authorized to amend and waive such terms as the City Solicitor considers reasonable to give effect to this authorization and direction;~~
 - ~~(3) — The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owner of 63 New Street, Hamilton, as described in Report PW21021, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;~~
 - ~~(4) — The City Solicitor be authorized to complete the transfer of the Subject Lands to the owner of 63 New 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;~~
 - ~~(5) — The City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing and selling the alleyway in the proper land registry office; and,~~

~~(6) — The Public Works Department publish any required notice of the City's intention to pass the by-law and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.~~

Attachment: Correspondence from 1643055 Ontario Ltd., to the Right-of-Way Coordinator, Public Works Department, requesting that the permanent closure and sale of the unassumed alleyway abutting 63 New Street Hamilton, be rescinded and that the lands remain as an unassumed public alleyway (March 10, 2023)

Attachment to Item 7.6

March 10, 2023

Via Email

Ms. Cetina Farruggia, HBSc, B. Ed.,m PMP
Right-of-Way Coordinator

City of Hamilton
100 King Street West, 2nd Floor
Hamilton, ON L8P 1A2


Dear Ms. Farruggia,

RE: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 63 New Street, Hamilton (PW21021)

We, 1643055 Ontario Ltd. are now the owners of 63 New Street, Hamilton, which was purchased on March 17, 2022. We understand there was a council approval on April 28, 2021 for the permanent closure and sale of a portion of the public unassumed alleyway abutting 63 New Street via PW21021. As the new owners, we are requesting that this approval be rescinded, and the lands remain as an unassumed public alleyway.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,

DocuSigned by:

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Richard Paletta
President
1643055 Ontario Ltd