

CITY OF HAMILTON

MOTION

Council: January 22, 2025

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR.....

Amendment to Item 1 of Public Works Committee Report 22-013, respecting the Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3)

WHEREAS, on September 14, 2022, Council approved Item 1 of the Public Works Committee Report 22-013, which authorized a 3-part sale of a Public Unassumed Alleyway to abutting landowners, being 798 Barton Street East (Part A), 154 Lottridge Street (Part B), and 800 Barton Street East (Part C);

WHEREAS, on November 25, 2024, the owner of 798 Barton Street East removed their interest in Part A shown on Appendix “A” to Public Works Committee Report 22-013;

WHEREAS, the owner of 154 Lottridge Street expressed an interest in also acquiring Part A on Appendix “A” to Public Works Committee Report 22-013; and

WHEREAS, staff are supportive of the sale of Part A to the owner of 154 Lottridge Street.

THEREFORE, BE IT RESOLVED:

(a) That Item 1 of the Public Works Committee Report 22-013, respecting the Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3) (PW22074), be **amended**, as follows:

1. **Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, ~~798 Barton Street East~~, and 800 Barton Street East, Hamilton (Ward 3) (PW22074) (Item 9.1)**

That the application of the owners of 154 Lottridge Street, ~~798 Barton Street East~~, and 800 Barton Street East, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 154 Lottridge Street, ~~798 Barton Street East~~, and 800 Barton Street East, Hamilton

("Subject Lands"), **as shown on Revised Appendix "A" and Revised Appendix "B" attached hereto, amending the Parts and Purchasers of the Subject Lands**, be approved, subject to the following conditions:

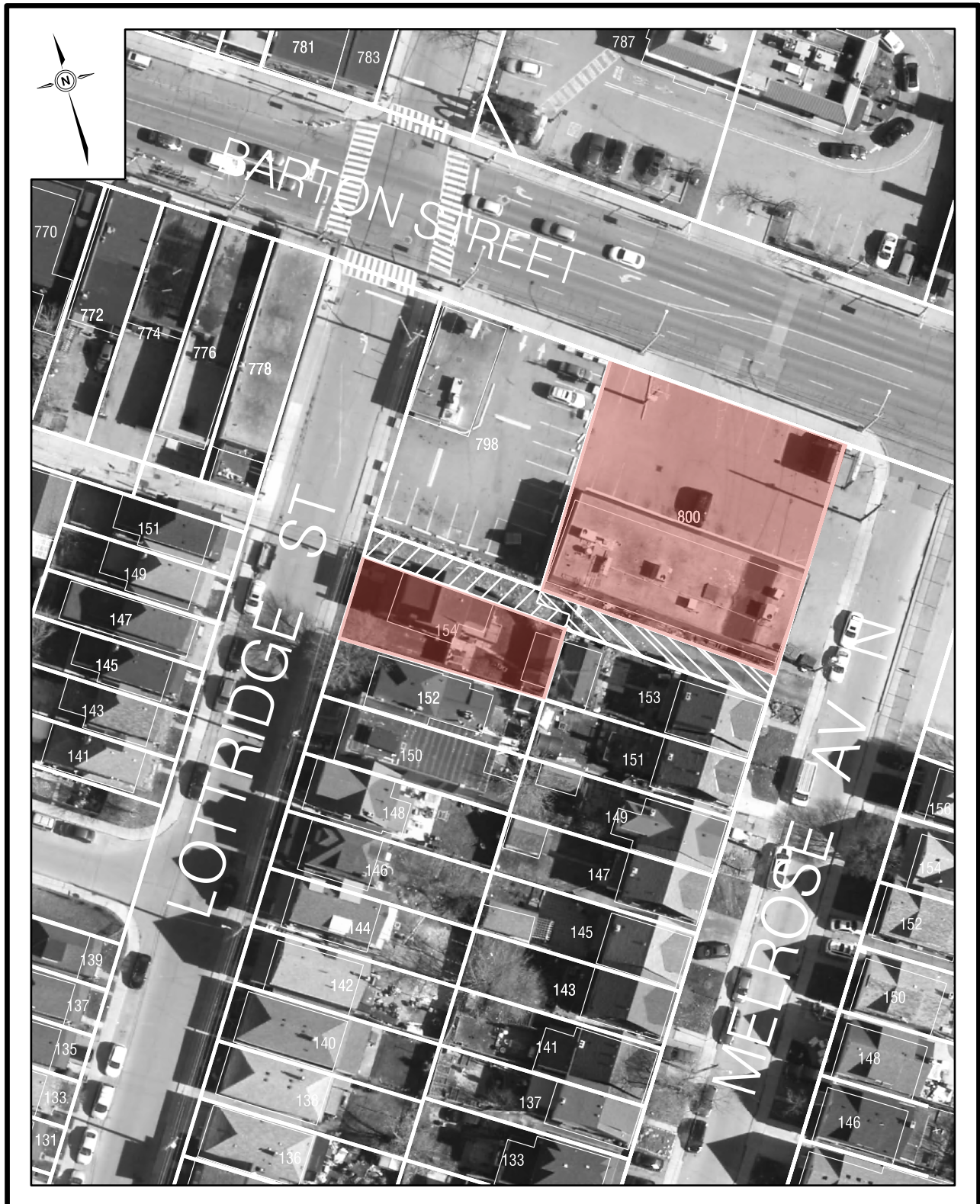
- (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (1) The General Manager of Public Works, or designate, signing the appropriate documentation 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 they consider reasonable to give effect to this authorization and direction;
- (iv) The Corporate Real Estate Office 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 owners of 154 Lottridge Street, ~~798 Barton Street East~~, and 800 Barton Street East, Hamilton, as described in Report PW22074, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;

- (v) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 154 Lottridge Street, ~~798 Barton Street East~~, and 800 Barton Street East, 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;
- (vi) 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
- (vii) 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.

Attachments:

Revised Appendix A to Report PW22074

Revised Appendix B to Report PW22074

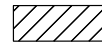


Hamilton

PROPOSED CLOSURE OF PORTION OF UNASSUMED ALLEY ABUTTING 154 LOTTRIDGE STREET (PART A) & 800 BARTON STREET EAST (PART B), HAMILTON

Geomatics & Corridor Management Section
Public Works Department

LEGEND



PART A - 154 Lotridge Street, Hamilton



PART B - 800 Barton Street East, Hamilton

