

**Authority:** Item 7, Planning & Economic  
Development Committee Report  
10-005 (PED10051)  
CM: March 10, 2010  
Ward: 12

**Bill No. 267**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-267**

#### **To Permanently Close and Sell a Portion of Springbrook Avenue, being Blocks 45 to 57 (inclusive) on Plan 62M-1171**

**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 September 23, 2011 and an Amending Subdivision Agreement dated August 24, 2018 between the City of Hamilton and Scarlett Homes (Ancaster) Ltd., the City has authorized and agreed to the closure and conveyance of a certain portion of Springbrook Avenue being Blocks 45 to 57 (inclusive) on Plan 62M-1171, 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 Springbrook Avenue, in the City of Hamilton, described as Blocks 45 to 57 (inclusive) on Plan 62M-1171, 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 Scarlett Homes (Ancaster) Ltd., being more particular described as Parts 4, 5, 12, 13, 35, 42, 43, 50, 58 and 59

on Plan 62R-19410 and Reserve Block 57 on Plan 62M-1171 for the sum of two dollars (\$2.00) pursuant to the terms of the Subdivision Agreement dated September 23, 2011 between City of Hamilton and Scarlett Homes (Ancaster) Ltd. registered as Instrument No. WE813725 on February 13, 2012 and an Amending Subdivision Agreement between City of Hamilton and Scarlett Homes (Ancaster) Ltd. dated August 24, 2018.

3. The soil and freehold of the part of the road allowance permanently closed under section 1 is to be sold to Scarlett Homes (Ancaster) Ltd. and 1649404 Ontario Inc., being more particular described as Parts 3, 6, 11, 36, 41, 44, 49, 52 and 57 on Plan 62R-19410, Parts 1, 2 and 8 on Plan 62R-19460 for the sum of two dollars (\$2.00) pursuant to the terms of the Subdivision Agreement dated September 23, 2011 between City of Hamilton and Scarlett Homes (Ancaster) Ltd. registered as Instrument No. WE813725 on February 13, 2012 and an Amending Subdivision Agreement between City of Hamilton and Scarlett Homes (Ancaster) Ltd. dated August 24, 2018.
4. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 12<sup>th</sup> day of September 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk