

**Authority:** Item 3, Public Works Committee  
Report 17-009 (PW17055)  
CM: July 14, 2017  
Ward: 4

**Bill No. 341**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-341**

**Being a By-law to Permanently Close a Portion of a Public Unassumed Alley Abutting 353 Strathearne Avenue, Hamilton, established by Registered Plan 514, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20716, City of Hamilton**

**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** the Council of the City of Hamilton on July 14, 2017, in adopting Item 3 of Public Works Committee Report 17-009, authorized the City to permanently close and sell a portion of a public unassumed alley abutting 353 Strathearne Avenue, Hamilton, established by Registered Plan 514, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-2716, being Part of PIN 17254-0210 (LT), City of Hamilton;

**AND WHEREAS** a Judge's Order was issued and registered on title on December 12, 2018, as Instrument No. WE1327312 to close a portion of public unassumed alley abutting 353 Strathearne Avenue, Hamilton, established by Registered Plan 514, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20716, being Part of PIN 17254-0210 (LT), City of Hamilton;

**AND WHEREAS** the road is a highway under the jurisdiction of the City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the public unassumed alley, set out as:

Part of the Alleyway on Registered Plan 514, in the City of Hamilton, designated as Part 1, Plan 62R-20716, City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-20716, hereby permanently closed, be sold to The Estate of Steven Popovich for the sum of Two Dollars (\$2.00).
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** on this 19<sup>th</sup> day of December, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk