

**Authority:** Item 5, Public Works Committee  
Report 18-012 (PW18081)  
CM: September 26, 2018  
Ward: 12

**Bill No. 156**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-156**

**To Permanently Close and Sell a Portion of the Unopened Road Allowance abutting 29 Middletown Road, Hamilton, Ontario, namely Firstly: Part of the Unopened Road Allowance between the Townships of Beverly and West Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-21129, being Part of PIN 17551-0152 (LT); Secondly: Part of Unopened Road Allowance between Townships of Beverly and West Flamborough, and Part of Lot 1, Concession 1, in the Geographic Township of West Flamborough, in the City of Hamilton, designated as Part 1 on Plan 62R-21129, being Part of PIN 17490-0102 (LT); 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** at its meeting of September 26, 2018, Council approved of Item 5 of Public Works Committee Report 18-012, and authorized the City of Hamilton to permanently close and sell the portion of the unopened road allowance abutting 29 Middletown Road, Hamilton, Ontario, namely, Firstly: Part of the Unopened Road Allowance between the Townships of Beverly and West Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-21129, being Part of PIN 17551-0152 (LT); Secondly: Part of Unopened Road Allowance between Townships of Beverly and West Flamborough, and Part of Lot 1, Concession 1, in the Geographic Township of West Flamborough, in the City of Hamilton, designated as Part 1 on Plan 62R-21129, being Part of PIN 17490-0102 (LT); City of Hamilton

To Permanently Close and Sell a Portion of the Unopened Road Allowance abutting 29 Middletown Road, Hamilton, Ontario, namely Firstly: Part of the Unopened Road Allowance between the Townships of Beverly and West Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-21129, being Part of PIN 17551-0152 (LT); Secondly: Part of Unopened Road Allowance between Townships of Beverly and West Flamborough, and Part of Lot 1, Concession 1, in the Geographic Township of West Flamborough, in the City of Hamilton, designated as Part 1 on Plan 62R-21129, being Part of PIN 17490-0102 (LT); City of Hamilton

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**WHEREAS** notice to the public of the proposed sale of the part of the unopened 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 unopened road allowance set out as follows:

Firstly: Part of the Unopened Road Allowance between the Townships of Beverly and West Flamborough, in the City of Hamilton, designated as Part 2 on Plan 62R-21129, being Part of PIN 17551-0152 (LT); Secondly: Part of Unopened Road Allowance between Townships of Beverly and West Flamborough, and Part of Lot 1, Concession 1, in the Geographic Township of West Flamborough, in the City of Hamilton, designated as Part 1 on Plan 62R-21129, being Part of PIN 17490-0102 (LT); City of Hamilton

is permanently closed.

2. The soil and freehold of the Part 1 and Part 2 on Plan 62R-21129, hereby permanently closed, be sold to Neven Custom Homes Ltd. for the sum of Twenty-One Thousand Nine Hundred Dollars (\$21,900.00).
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** this 26<sup>th</sup> day of June, 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk