

**Authority:** Item 3, Public Works Committee Report 21-010 (PW21041)  
Council Meeting: July 9, 2021 Ward 1  
Written approval for this by-law was given by Mayoral Decision MDE-2023-02  
dated September 13, 2023

**Bill No. 164**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-164**

**To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying North of Glenfern Avenue, and East of Mountain Avenue, on Registered Plan 272, in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT)**

**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 July 9, 2021, Council approved of Item 3 of Public Works Committee Report 21-010, and authorized the City of Hamilton to permanently close and sell a portion of the public unassumed alleyway abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying North of Glenfern Avenue and East of Mountain Avenue, on Registered Plan 272 in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT); 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 public unassumed alley set out as follows:

Part of the Alleyway, lying North of Glenfern Avenue, and East of Mountain Avenue, on Registered Plan 272 in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT) is permanently closed.

2. The soil and freehold of the Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, hereby permanently closed, be sold to Kevin Daley.

To Permanently Close and Sell a Portion of the Public Unassumed Alleyway Abutting 315B Aberdeen Avenue, Hamilton, namely Part of the Alleyway, lying North of Glenfern Avenue and East of Mountain Avenue, on Registered Plan 272, in the City of Hamilton, Designated as Parts 1, 2, 3, 4, 5 and 6 on Plan 62R-21837, being part of PIN 17076-0231 (LT)

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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 13<sup>th</sup> day of September, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk