MOVED BY COUNCILLOR MCCARTHY

SECOND BY COUNCILLOR

That Item 5 of Public Works, Infrastructure and Environment Committee Report 05-018 respecting Proposed Permanent Closure of a Portion of Unopened Road Allowance of Beach Boulevard, Stoney Creek (PW05135) approved by Council on December 14, 2005 be amended by adding subsections (i) to (iii) to read as follows:

5. Proposed Permanent Closure of a Portion of Unopened Road Allowance of Beach Boulevard, Stoney Creek (PW05135) – (Ward 10) (Item 6.2)

That the portion of Beach Boulevard road allowance known as Parts 4 and 5, on Registered Plan 862, and the portion of road allowance to the west of said Parts, terminating at Deerhurst Road, in the former City of Stoney Creek, be permanently closed and sold, subject to the following conditions:

(a) That the application to permanently close a portion of the road allowance of Beach Boulevard (the highway), known as Parts 4 and 5 on Registered Plan 862 and the portion of road allowance to the west of said Parts, terminating at Deerhurst Road, in the former City of Stoney Creek, be approved.

(i) That the applicant make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase a portion of the road allowance of Beach Road, north of 367Highway 8, in the former City of Stoney Creek, now in the City of Hamilton.

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation
confirming that no public funds have been expended on the portion road allowance to be closed.

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor.

(b) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway.

(c) That the appropriate by-law be introduced and enacted by Council.

(d) That the Real Estate Section, Planning and Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299.

(e) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office.

(f) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.