

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2005-19**

**BEING A BY-LAW TO STOP UP, CLOSE AND CONVEY  
PORTIONS OF HARVEY STREET AND BOURKE STREET,  
WITHIN THE CN RIGHT-OF-WAY AND PART OF A LANEWAY, PLAN 64  
IN THE CITY OF NORTH BAY**

**WHEREAS** it is deemed expedient and in the interest of The Corporation of the City of North Bay that parts of Harvey Street and Bourke Street, within the CN Right-of-Way, and part of the laneway abutting Lots 511 to 518 (both inclusive), 521, 541, 542, 543, 554 and 55, Plan 64 be closed, stopped up and sold to the abutting owners;

**AND WHEREAS** by Resolution No. 2004-833 passed on the 29<sup>th</sup> day of November, 2004, Council approved the closure of those parts of Harvey Street and Bourke Street, within the CN Right-of-Way;

**AND WHEREAS** by Resolution No. 2005-48 passed on the 31<sup>st</sup> day of January, 2005, Council approved the closure of the laneway;

**AND WHEREAS** those parts of Harvey Street and Bourke Street, within the CN Right-of-Way, and that part of the laneway abutting Lots 511 to 518 (both inclusive), 521, 541, 542, 543, 554 and 55, Plan 64 are hereby declared to be surplus;

**AND WHEREAS** notice of this by-law was published once a week for two consecutive weeks in the North Bay Nugget, published in the City of North Bay;

**AND WHEREAS** no person has claimed that his lands will be prejudicially affected by the passing of this by-law nor applied to be heard in person or by his counsel, solicitor, or agent, the Council of the City nor a Committee of said Council;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

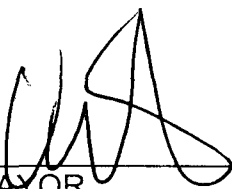
1. Those certain parts of Harvey Street and Bourke Street, within the CN Right-of-Way, and that certain part of the laneway abutting Lots 511 to 518 (both inclusive), 521, 541, 542, 543, 554 and 55, Plan 64 designated as Parts 1, 2, 3, 4, 5 and 6 on Reference Plan 36R-11818 are hereby closed, stopped up and conveyed.
2. The City shall transfer Parts 1, 2, 3, 4, 5 and 6 on Reference Plan 36R-11818 to the owners of the lands abutting thereon, their successors or assigns, upon receipt of the consent in writing of the abutting registered owner, if the transfer is to be to a person other than the abutting registered owner.
- 3.(a) Subject to paragraph (b), in the event that an abutting owner to the said laneway does not consent to the disposition of the laneway within 60 days of the date of the passing of this by-law, then the Clerk shall, upon request of an abutting owner of the opposite side of the laneway, give 30 days notice by prepaid registered mail to the abutting owner of the laneway to the effect that if the abutting owner does not agree to purchase one-half of the abutting laneway at a pro-rata share of the survey, legal, advertising costs and purchase price incurred in the road and laneway closing, then the said one-half of the laneway may be transferred to the opposite owner for the same cost.
- (b) Upon receipt of an Irrevocable Consent of the disposition of the laneway from the adjacent owner then that portion of the laneway may be transferred upon registration of the by-law.

4. This by-law comes into force and effect upon a certified copy of the by-law being registered in the Land Registry Office for the District of Nipissing.

READ A FIRST TIME IN OPEN COUNCIL THE 14<sup>TH</sup> DAY OF FEBRUARY, 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 14<sup>TH</sup> DAY OF FEBRUARY, 2005.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 14<sup>TH</sup> DAY OF MARCH, 2005.



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MAYOR



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CITY CLERK