

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-203

**BEING A BY-LAW TO STOP UP, CLOSE AND CONVEY
A PORTION OF THE UNOPENED POPE STREET ROAD ALLOWANCE,
IN A BLOCK BOUNDED BY LAKESHORE DRIVE, JUNCTION STREET,
SOUTH STREET AND WEST AVENUE,
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 part of the unopened Pope Street road allowance abutting Lots 3 to 8, Block V and Lots 1 and 3 to 8, Block W, Plan 16 be closed, stopped up and sold to the abutting owners;

AND WHEREAS by Resolution No. 2009-517 passed on the 27th day of July, 2009, Council approved the closure of the unopened Pope Street road allowance;

AND WHEREAS the unopened Pope Street road allowance abutting Lots 3 to 8, Block V and Lots 1 and 3 to 8, Block W, Plan 16 is 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. That certain part of the unopened Pope Street road allowance abutting Lots 3 to 8, Block V and Lots 1 and 3 to 8, Block W, Plan 16 designated as Part 1 on Reference Plan 36R-12749 is hereby closed, stopped up and conveyed.
2. The City shall transfer Part 1 on Reference Plan 36R-12749 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 unopened road allowance does not consent to the disposition of the unopened road allowance 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 unopened road allowance, give 30 days notice by prepaid registered mail to the abutting owner of the unopened road allowance 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 unopened road allowance closing, then the said one-half of the unopened road allowance may be transferred to the opposite owner for the same cost.

(b) Upon receipt of an Irrevocable Consent of the disposition of the unopened road allowance from the adjacent owner then that portion of the unopened road allowance 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 Titles Office for the District of Nipissing.

READ A FIRST TIME IN OPEN COUNCIL THE 5TH DAY OF OCTOBER, 2009.

READ A SECOND TIME IN OPEN COUNCIL THE 5TH DAY OF OCTOBER, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 19TH DAY OF OCTOBER, 2009.

"original signature on file"
DEPUTY MAYOR PETER CHIRICO

"original signature on file"
CITY CLERK CATHERINE CONRAD