

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

**BY-LAW NO. 2009-03**

**BEING A BY-LAW TO STOP UP, CLOSE AND CONVEY A  
PORTION OF THE LANEWAY ABUTTING LOTS 476, 477, 482 & 483,  
PLAN M-189, IN A BLOCK BOUNDED FISHER STREET, McGAUGHEY AVENUE  
AND HAMMOND STREET, 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 laneway abutting Lots 476, 477, 482 and 483, Plan M-189 be closed, stopped up and sold to the abutting owners;

**AND WHEREAS** by Resolution No. 2007-333 passed on the 14<sup>th</sup> day of May, 2007, Council approved the closure of the laneway;

**AND WHEREAS** the laneway abutting Lots 476, 477, 482 and 483, Plan M-189 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 laneway abutting Lots 476, 477, 482 and 483, Plan M-189 designated as Part 1 on Reference Plan 36R-12598 is hereby closed, stopped up and conveyed.
2. The City shall transfer Part 1 on Reference Plan 36R-12598 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 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 Titles Office for the District of Nipissing.

READ A FIRST TIME IN OPEN COUNCIL THE 5<sup>TH</sup> DAY OF JANUARY, 2009.

READ A SECOND TIME IN OPEN COUNCIL THE 5<sup>TH</sup> DAY OF JANUARY, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THE 19<sup>TH</sup> DAY OF JANUARY, 2009.

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MAYOR VICTOR FEDELI

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CITY CLERK CATHERINE CONRAD