

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 119-71

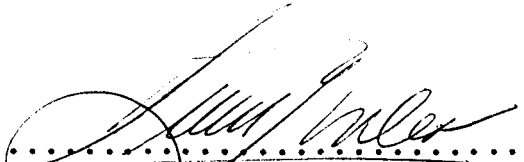
BEING A BY-LAW AUTHORIZING THE EXECUTION OF THAT CERTAIN AGREEMENT DATED THE 1ST DAY OF NOVEMBER 1971 BETWEEN ROY WILHELM AND THE CORPORATION OF THE CITY OF NORTH BAY, PERTAINING TO AN ENCROACHMENT OF THE VERANDA SITUATE ON LOT 169 AND LOT 170 ON THE EASTERLY SIDE OF PRINCESS STREET AS SHOWN ON PLAN M-186 FILED IN THE OFFICE OF LAND & TITLES AT NORTH BAY

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

1. THAT the Corporation of the City of North Bay do enter into the Agreement dated the 1st day of November, 1971, between Roy Wilhelm of the City of North Bay, in the District of Nipissing and The Corporation of the City of North Bay (a copy of which said Agreement is attached hereto and marked Schedule 'A', to this By-law), upon and subject to the terms and conditions therein set forth.

2. THAT the Mayor and Clerk be, and they are hereby authorized and empowered to execute the aforesaid Agreement dated the 1st day of November, 1971, on behalf of The Corporation of the City of North Bay, and to affix thereto the corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 1ST DAY OF NOVEMBER, 1971
READ A SECOND TIME IN OPEN COUNCIL THIS 1ST DAY OF NOVEMBER, 1971
READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS
1ST DAY OF NOVEMBER 1971.


.....
DEPUTY MAYOR


.....
CITY CLERK

SCHEDULE 'A'
to
BY-LAW 119-71

AGREEMENT made in triplicate the 1st day of November, 1971

BETWEEN:

ROY MOSES JOHN WILHELM & MARY WILHELM

of the City of North Bay in the District
of Nipissing

Hereinafter called the Party
OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF NORTH BAY

Hereinafter called the Party
OF THE SECOND PART

WHEREAS the said Roy Moses John Wilhelm and Mary Wilhelm are the owners of a dwelling house known municipally as 334 Princess Street West in the City of North Bay and entered in the Land Titles Office at North Bay as Lots 169 & 170, Plan M-186 in the Register for Widdifield and Ferris;

AND WHEREAS the Corporation of the City of North Bay is the owner of the land adjoining thereto on the South Side thereof, known as 334 Princess Street West as shown on Plan M-186, filed in the Office of Land Titles at North Bay:

AND WHEREAS by mistake a portion of the verandah of the said house was built upon and encroaches on the land of the said Corporation of the City of North Bay, known as Princess Street;

NOW THEREFORE IT IS AGREED between the parties hereto as follows:

1. The encroachment of the said verandah of the dwelling house of the said Roy Moses John Wilhelm and Mary Wilhelm built on lands described in Schedule "A" hereto annexed shall be deemed to have been made and the continuance hereafter of the said encroachment shall be deemed to be, with the express licence and consent of the said Corporation of the City of North Bay to the intent that the said Roy Moses John Wilhelm and Mary Wilhelm shall not acquire any easement or right in respect thereof; and which said encroachment is shown by a plan of survey dated the 25th day of September,

1971, by D. J. Macdonell, O.L.S., attached hereto and marked as Schedule "B".

2. The said Roy Moses John Wilhelm and Mary Wilhelm agree that should the verandah be altered, repaired, razed, removed or destroyed, the said portion of the verandah, so far as it encroaches upon the said Princess Street, shall not be rebuilt on the said Street and the licence and consent to occupy that portion of Princess Street now occupied by the said verandah shall be terminated.

3. This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto respectively.

IN WITNESS WHEREOF the party of the first part has hereunto affixed his hand and seal and the party of the second part has affixed its Corporate Seal attested thereto by the proper officers authorized in that behalf.

SIGNED, SEALED AND DELIVERED

in the presence of

J. A. Jones
For both parties

(signed) Roy Moses John Wilhelm

(Signed) Mary Wilhelm

THE CORPORATION OF THE CITY OF
NORTH BAY

(Signed) M. E. Dickerson Mayor

(Signed) C. E. Armstrong, City Clerk

SCHEDULE "A"

In the City of North Bay in the District of Nipissing and Province of Ontario and being composed of Lots 169 & 170 as shown on Plan M-186 filed in the office of Land Titles at North Bay.