

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2001-144

BEING A BY-LAW TO ACQUIRE RIGHT-OF-WAY LANDS FROM CANADIAN NATIONAL RAILWAY FROM THE *ONR* LINE TO TIMMINS STREET, EXCLUDING TWO SECTIONS AT THE STATION AND AT FISHER STREET

WHEREAS Council is authorized to acquire lands for municipal purposes pursuant to Section 191 of the Municipal Act, R.S.O. 1990, ch. M-45;

AND WHEREAS Canadian National Railway has declared surplus and has received the required authority to dispose of its right-of-way lands from the *ONR* line east to Timmins Street as shown on Schedule "A" hereto;

AND WHEREAS Council agreed to acquire these lands for the sum of \$1.00 on an "as is" basis by Resolution No. 44 dated December 11, 2000 based on a Phase I Environmental Assessment on the subject lands, as revised by General Government Committee Report 2002-02 passed on January 14, 2002, to require satisfactory soil testing of the lands, prior to acceptance of completion;

AND WHEREAS Canadian National Railway has asked to retain a working easement for one year from the date of closing in order to remove its rail trackage;

AND WHEREAS upon acquisition of the land the City shall become responsible for the structures and trestles remaining on the right-of-way.

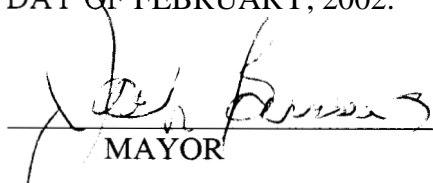
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

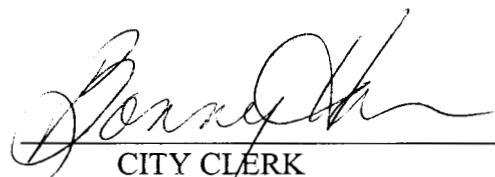
1. The Corporation of the City of North Bay is hereby authorized and directed to enter into that certain Agreement of Purchase and Sale dated December 3, 2001 with Canadian National Railway Properties Inc. for the lands shown on Schedule "A" hereto.
2. The Mayor and City Clerk are hereby authorized to enter into that certain Agreement dated December 3, 2001, as amended as to soil testing and the completion date, and such further and other documents as may be reasonably required to give effect to the transaction.
3. The Corporation of the City of North Bay is further authorized to accept easements of thirty-three (33) feet in perpendicular width adjacent to the Schedule "A" lands.

READ A FIRST TIME IN OPEN COUNCIL THIS 3RD DAY OF DECEMBER, 2001

READ A SECOND TIME IN OPEN COUNCIL THIS 25TH DAY OF FEBRUARY, 2002.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 25TH DAY OF FEBRUARY, 2002.


MAYOR


CITY CLERK