

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 2406

Being a By-law authorizing the construction of an overhead bridge pursuant to Order No. 124578 of the Board of Transport Commissioners for Canada dated June 2nd, 1967, commonly known as "Golf Street Overpass"

WHEREAS it is necessary to construct an overhead bridge including the approaches thereto pursuant to and in accordance with Order No. 124578 of the Board of Transport Commissioners for Canada dated June 2nd, 1967, a copy of which said Order is attached hereto and marked Schedule "A" to this By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has caused to be made by M.M. Dillon Limited, Consulting Engineers, the necessary engineering studies, reports and estimates of the cost of constructing the aforesaid works and there is attached hereto and marked Schedule "B" to this By-law the final estimated cost of the aforesaid works including the distributive shares of the cost thereof to be borne by the parties therein referred to;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY, PURSUANT TO THE PROVISIONS OF THE MUNICIPAL ACT R.S.O. 1960 CHAPTER 249 SECTION 286 SUBSECTION 3(g) AND PURSUANT TO ORDER NUMBER 124578 OF THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA AFORESAID, HEREBY ENACTS AS FOLLOWS:

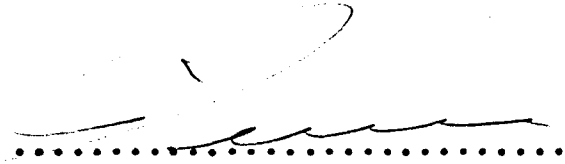
1. That an overhead bridge including the approaches thereto be constructed at the earliest possible date in accordance with the terms and provisions of Order No. 124578 of the Board of Transport Commissioners for Canada subject to the cost thereof being borne by the parties and in the proportionate shares or amounts set forth in Schedule "B" to this By-law.
2. That The Corporation of the City of North Bay do enter into the necessary contract for the construction of the said works and that the Mayor and Clerk, subject to the approval of the Council of The Corporation of the City of North Bay to be declared by Resolution, be authorized to execute the said contract and affix thereto the Corporate Seal.
3. That the aforesaid works shall be carried out and executed in accordance with the plans, profiles and specifications prepared by the Consulting Engineers aforesaid and under their supervision, direction and orders.
4. That the Mayor or Deputy Mayor and the Treasurer of The Corporation of the City of North Bay be and they are hereby authorized to borrow from time to time from any bank or person by way of promissory note or notes temporary advances of money to meet the cost of construction as aforesaid pending the completion thereof and pending the issue and sale of debentures hereinafter referred to but in no event shall the aggregate of such borrowing exceed the total amount of the cost of construction as set forth in Schedule "B" to this By-law.
5. The debentures to be issued to pay for the cost of the said works, when completed, shall bear interest at such rate as the Council of The Corporation of the City of North Bay shall determine and they shall be made payable within a period of twenty years on the instalment plan.

6. This By-law shall come into full force and effect upon the final passing thereof and upon receiving the approval of the Ontario Municipal Board.

READ A FIRST TIME IN OPEN COUNCIL THIS 8TH DAY OF AUGUST 1967

READ A SECOND TIME IN OPEN COUNCIL THIS 8TH DAY OF AUGUST 1967

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 2ND DAY OF OCTOBER 1967


.....

.....*S.E. Armstrong*.....

THIS IS SCHEDULE "A" TO BY-LAW NO. 2406 OF THE CORPORATION OF THE CITY OF NORTH BAY

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BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

COMMISSION DES TRANSPORTS DU CANADA

(copy of) - ORDER NO. 124578

FRIDAY, THE 2ND DAY OF JUNE, A.D. 1967

ROD KERR, Q.C., Chief Commissioner. A.S. KIRK, Commissioner.

IN THE MATTER OF the application of the City of North Bay, hereinafter called the "Applicant," for an Order authorizing the construction of an overhead bridge to carry Main Street across and over the right of way and tracks of the Canadian Pacific Railway Company, in the City of North Bay, Province of Ontario, mileage 116.54 North Bay Subdivision, as shown on Plans No. P-3 and P-5, both dated March 15, 1967, on file with the Board under file No. 24316:

Files No. 24316 No. 24316-U.

UPON reading the submissions filed -

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Applicant is authorized to construct an overhead bridge to carry Main Street across and over the right of way and tracks of the Canadian Pacific Railway Company, in the City of North Bay, Province of Ontario, mileage 116.54 North Bay Subdivision, as shown on the said plans on file with the Board under file No. 24316, which will eliminate the existing level crossing at mileage 116.66 North Bay Subdivision.

2. The said overhead bridge shall be constructed in compliance with the provisions of General Order E-5; detailed plans shall be submitted to and approved by an Engineer of the Board before construction is undertaken.

3. Upon completion of the said overhead bridge, the Canadian Pacific Railway Company shall close, within the limits of its right of way, the existing crossing at mileage 116.66 North Bay Subdivision and remove the automatic protection therefrom.

4. The cost of closing the said crossing at mileage 116.66 North Bay Subdivision shall be considered as part of the cost of the construction of the said overhead bridge.

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5. Eighty per cent of the cost of construction of the said overhead bridge, or the sum of \$500,000.00, whichever is the lesser, shall be paid out of The Railway Grade Crossing Fund; five per cent, or the sum of \$31,250.00, whichever is the lesser, shall be paid by the Canadian Pacific Railway Company, and the remainder of such cost shall be borne and paid by the Applicant.

6. The cost of maintenance of the said overhead bridge shall be borne and paid by the Applicant.

7. The Bell Telephone Company of Canada and The Hydro-Electric Commission of North Bay shall remove or relocate, as the case may be, their existing facilities to permit the construction of the said overhead bridge.

8. Eighty per cent of the cost of removing or relocating the facilities respectively of The Bell Telephone Company of Canada and The Hydro-Electric Commission of North Bay, or the sum of \$2,750.00, whichever is the lesser, shall be paid out of The Railway Grade Crossing Fund, and each of the said utilities shall bear the remainder of the cost of any such removal or relocation of its facilities.

(sig) ROD KERR,
Chief Commissioner,
The Board of Transport Commissioners
for Canada.

BOARD OF TRANSPORT COMMISSIONERS FOR CANADA
Examined and certified as a true copy under
Section 23 of "The Railway Act"
(signed) "C.W.Rump"
(C.W.RUMP)
Secretary, Board of Transport Commissioners
for Canada
OTTAWA, June 6, 1967

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CONNECTING LINK

CITY OF NORTH BAY

GOLF STREET OVERHEAD BRIDGE

GROSS COST \$1,433,952.50

Board of Transport Commissioners for Canada	500,000.00(upset limit)	
Board of Transport Commissioners for Canada (utilities)	1,883.20(80% of 2,354.00)	
Canadian Pacific Railway Company	31,250.00(upset limit*)	
Ontario Northland Transportation Commission	57,500.00(as per agreement)	
Shareable under Connecting Link	679,420.44	
Shareable under Part X	93,672.07	
Corporation's Share	69,420.34	
Others	<u>806.45</u>	\$1,433,952.50

INDIVIDUAL COSTS

Board of Transport Commissioners for Canada	501,883.20
Canadian Pacific Railway Company	31,250.00
Ontario Northland Transportation Commission	57,500.00

Minister's Share (Department of Highways of Ontario)

Connecting Link (75% of 679,420.44)	509,565.33
Part X (33.33% of 93,672.07)	<u>31,220.90</u> 540,786.23

Corporation's Share

Connecting Link (25% of 679,420.44)	169,855.11
Part X (66.67% of 93,672.07)	62,451.17
Corporation	<u>69,420.34</u>

Corporation of the City of North Bay \$181,035.97

Corporation of the Township of West Ferris \$120,690.65 301,726.62

Others 806.45

\$1,433,952.50



THE ONTARIO MUNICIPAL BOARD

G 3346-67

IN THE MATTER OF Section 64 of
The Ontario Municipal Board Act,
(R.S.O. 1960, c. 274)

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of the
construction of an overhead
bridge (commonly known as the
"Golf Street Overpass") including
approaches to carry Main Street,
between Golf Street and the City
Limits, over the rights-of-way of
the Canadian Pacific and Ontario
Northland Railways, and including
a connection to McIntyre Street
East at an estimated cost of
\$1,433,952.50, and approval of
the borrowing of the sum of
\$181,036.00 therefor

B E F O R E :

A. H. ARRELL, Q.C., Vice-Chairman)	
)	
- and -)	THURSDAY, the 28th day
)	
A. L. McCRAE, Member)	of SEPTEMBER, 1967

THE BOARD ORDERS, under and in pursuance of the legis-
lation hereinbefore referred to, and of any and all other
powers vested in the Board, that the said application be
and the same is hereby granted, and that the corporation
may now proceed with the said undertaking and for such
purpose may pass all requisite by-laws, including by-laws
providing for the issue of debentures in a principal amount
not exceeding \$181,036.00 repayable over a term of not more
than twenty years, and may borrow money to the extent suffi-
cient to provide an amount not exceeding \$181,036.00 there-
for, provided:



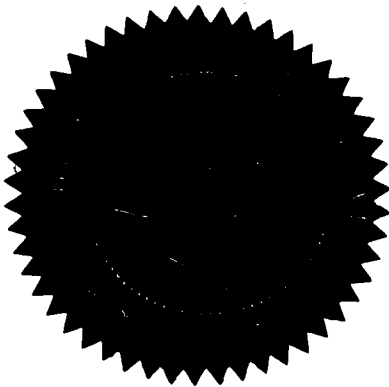
ONTARIO

THE ONTARIO MUNICIPAL BOARD

G 3346-67

- 2 -

1. that the said corporation may borrow the whole or any part of the said sum of \$1,433,952.50 as required pending receipt of subsidies and the sale of debentures, or of moneys to be received from any other source, and
2. that the amount to be debentured shall not exceed in any event the net cost to the corporation after deducting any grant or contribution from the Province of Ontario or from any other source in respect of the said work, and
3. that the corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



R. Scott
SECRETARY

ENTERED	
O. B. No.	<i>159</i>
Folio No.	<i>375</i>
SEP 28 1967	
<i>R. Scott</i>	
Secretary, Ontario Municipal Board	