

2220

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2228

Being a by-law authorizing the Corporation to enter into that certain Agreement dated the 30th day of July A.D. 1965 with Rosemont Investments Limited pertaining to an encroachment on Fisher Street

And being a by-law fixing the annual fee or charge to be payable by the owner or occupant of the land hereinafter described for the privilege of maintaining and using the encroachment hereinafter referred to.

WHEREAS the Southerly wall of the existing building erected on that certain parcel or tract of land situate, lying and being in the City of North Bay in the District of Nipissing and being composed of the North East 56' of the North half of Lot 196 on the corner of Fisher Street and McIntyre Street in the City of North Bay (Frontage of 56' on Fisher Street by a depth of 66') as shown on registered plan 10 for the City of North Bay registered in the Registry Office for the Registry Division of the District of Nipissing, is partially erected upon Fisher Street aforesaid and encroaches on Fisher Street to the extent shown on the plan attached hereto prepared by E. L. Moore, Ontario Land Surveyor, dated August 12th, 1960, and which said plan is marked Schedule "A" to this by-law;

AND WHEREAS the present owner of the said land, namely Rosemont Investments Limited, has applied to the Council of the Corporation of the City of North Bay for permission to maintain and use such encroachment and to continue the same, which request the Council aforesaid is prepared to grant upon and subject to the terms and conditions of that certain Agreement in writing dated the 30th day of July 1965 between The Corporation of the City of North Bay of the first part and Rosemont Investments Limited of the second part.

AND WHEREAS pursuant to The Municipal Act R.S.O. Chapter 249 Section 379 (1) Par. 91 the Council deems it advisable to fix a reasonable annual fee or charge for the owner or occupant of the aboveabove described property to pay for such privilege.

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

1. That the City of North Bay do enter into the Agreement hereinafter referred to (a copy of which is attached hereto) upon and subject to the terms and conditions therein set forth.
2. That the annual fee or charge for the privilege of the aforesaid encroachment and during the continuance thereof be and it is hereby fixed at the sum of twenty-five dollars (\$25.00) payable on or before the 31st day of January in each and every year, commencing the 31st day of January 1966 and that in default of payment as aforesaid, the aforesaid sum of twenty-five dollars (\$25.00) shall be added to the Collector's Roll for the City of North Bay and collected in like manner as taxes against the above-described parcel of land.
3. That the Mayor and Clerk be and they are hereby authorized and empowered to execute the aforesaid Agreement dated the 30th day of July 1965 and to affix thereto the Corporate Seal.

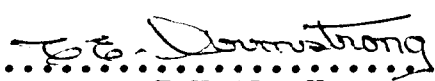
READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF AUGUST 1965.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF AUGUST, 1965.

RULES OF ORDER WERE SUSPENDED AND BY-LAW READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 16TH DAY OF AUGUST 1965.

.....

MAYOR

.....

CITY CLERK

AGREEMENT AS TO ENCROACHMENT

AGREEMENT made (in triplicate) this 30th day of July A.D. 1965

B E T W E E N:

THE CORPORATION OF THE CITY OF NORTH BAY
of the District of Nipissing

hereinafter called the "CITY"

of the FIRST PART

AND

ROSEMONT INVESTMENTS LIMITED, a Company
duly incorporated under the laws of the
Province of Ontario, having its Head Office
at the City of Toronto in the County of
York

hereinafter called the "COMPANY"

of the SECOND PART

WHEREAS the Company is the owner of that certain parcel or tract of land situate, lying and being in the City of North Bay in the District of Nipissing and being composed of the North East 56' of the North half of Lot 196 on the corner of Fisher Street and McIntyre Street in the City of North Bay (frontage of 56' on Fisher Street by a depth of 66') as shown on registered plan 10 for the City of North Bay registered in the Registry Office for the Registry Division of the District of Nipissing.

AND WHEREAS by inadvertence the Southerly wall of the existing building on the said land has been partially erected upon Fisher Street aforesaid and encroaches on Fisher Street to the extent shown on the plan attached hereto prepared by E. L. Moore, Ontario Land Surveyor, dated August 12th, 1960, and which said plan is marked Schedule "A" to this Agreement;

AND WHEREAS the owner has applied to the City for permission to maintain and use such encroachment and to continue the same, which request the City is prepared to grant, upon and subject to the terms and conditions hereinafter set forth.

NOW THEREFORE the parties hereto, in consideration of the premises and covenants herein contained, hereby mutually covenant and agree as follows:

1. Pursuant to the Municipal Act R.S.O. 1960 Chapter 249 Sec. 379 (1) Paragraph 91, the City, subject to the provisions hereinafter contained, hereby agrees with the Company to allow the Company the privilege of maintaining and using the aforesaid encroachment upon payment of an annual fee or charge of twenty-five dollars (\$25.00) payable as follows:

(a) The sum of ten dollars and forty-two cents (\$10.42) shall be payable on or before the first day of September 1965 and shall be deemed to cover the period August 1st, 1965, to December 31st, 1965.

(b) The sum of twenty-five dollars (\$25.00) shall be payable annually on or before the 31st day of January in each and every year, commencing the 31st day of January 1966.

2. In the event that the aforesaid annual fee or charge is not paid within the time hereinbefore limited, the aforesaid fee or charge of twenty-five dollars (\$25.00) shall be added to the Collector's Roll for the City and collected in like manner as taxes against the above-described land and premises.

3. The Company covenants and agrees to indemnify and save harmless the City from all claims, demands, actions and suits for damages sustained by any person by reason of the aforesaid encroachment.

4. It is distinctly understood and agreed by and between the parties hereto that the privilege of maintaining and using the encroachment herein referred to is upon the express licence and consent of the City and, subject, as provided in this Agreement, the Company shall not acquire any easement or right in respect thereof.

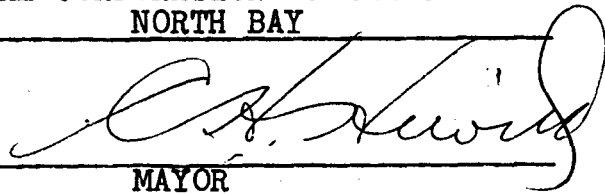
5. In the event that the aforesaid existing building on the said parcel of land is substantially destroyed by fire or substantially demolished or substantially removed, then, in any of such events, the Company covenants and agrees that it will pull down and remove the said Southerly wall of the said building to the extent that it encroaches on Fisher Street aforesaid and that it will repair and restore to a good and satisfactory state or condition and in a manner satisfactory to the City Engineer that part of Fisher Street so encroached upon or affected by such encroachment or removal thereof, and thereafter no continuance or revival of such encroachment shall be permitted.

6. The burden and benefit of the terms and provisions of this Agreement shall run with the above-described parcel of land and shall extend to, be binding upon and enure to the benefit of the parties hereto, their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their respective proper signing officers, being duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED by the parties hereto as of the day and year first above written.

THE CORPORATION OF THE CITY OF
NORTH BAY


MAYOR


CLERK

ROSEMONT INVESTMENTS LIMITED

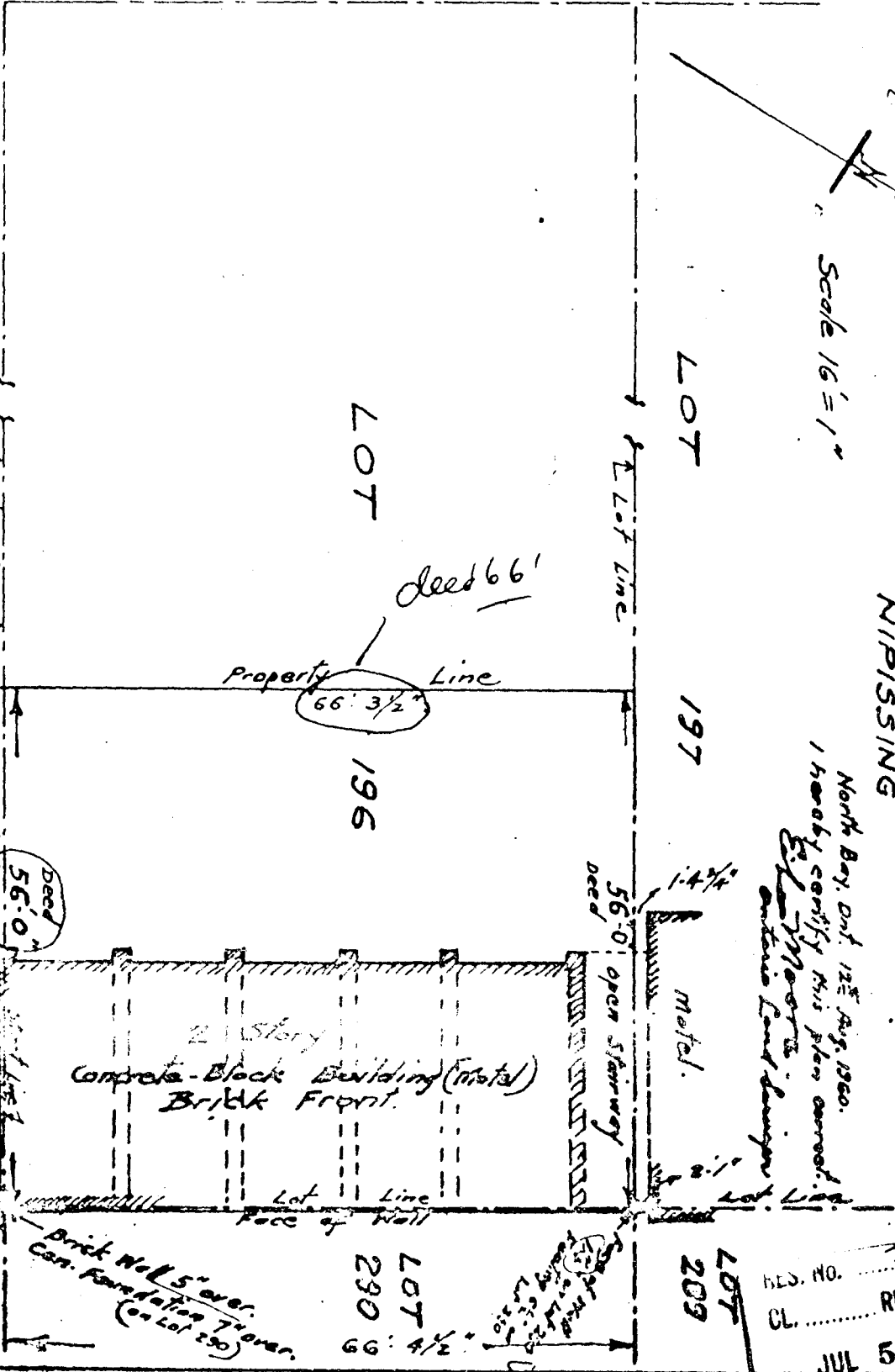
PRESIDENT

Schedule "A" to By-Law No. and Schedule "A" to Agreement dated July 30th, 1965, between The Corporation of the City of North Bay and Rosemont Investments Limited.

MCINTYRE ST.

FISHER STREET

STREET



PLAN SHOWING THE NEW 56 FT. OF LOT 196. REG. PLAN N.B. NO. CITY OF NORTH BAY NIPISSING

North Bay, Ont. 12th Aug. 1960.
I hereby certify this plan correct.
E. L. Moore
Ontario Land Surveyor

REG. NO. 39
CL. REP.
JUL 5 1965
Refer to [unclear]

McIntyre, Esq.