

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2001-07

BEING A BY-LAW TO AUTHORIZE THE PROVISION
OF A HERITAGE EASEMENT TO THE ONTARIO
HERITAGE FOUNDATION
(CP STATION)

WHEREAS Council entered into an Agreement of Purchase and Sale with the Canadian Pacific Railway Company dated February 11, 1999 to acquire certain rail lands;

AND WHEREAS a condition of the Transfer was that the parties obtain approval under the *Heritage Railway Station Protection Act* for the transfer of the CP Station from the Canadian Pacific Railway Company to The Corporation of the City of North Bay;

AND WHEREAS by Order-in-Council PC2000-1144 made July 27, 2000 Her Excellency the Governor-in-Council on the recommendation of the Minister of Canadian Heritage authorized the Canadian Pacific Railway Company to sell its railway station in North Bay to the City of North Bay in accordance with the conditions set out thereon;

AND WHEREAS the conditions of such transfer are attached as Schedule "A" hereto;

AND WHEREAS the City and the Ontario Heritage Foundation have agreed on the terms of a heritage easement for the building.

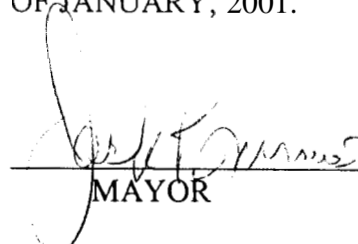
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That The Corporation of the City of North Bay is hereby authorized and directed to enter into a heritage easement in the form attached as Schedule "B" hereto, with the Ontario Heritage Foundation for the Canadian Pacific Railway Station, 100 Ferguson Street, North Bay.
2. That the Mayor, Clerk and the City Solicitor of The Corporation of the City of North Bay are hereby authorized to execute the transfer of easement and such further and other documents as may be reasonably required to give effect to the transfer, and to affix thereto the corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THE 22ND DAY OF JANUARY, 2001.

READ A SECOND TIME IN OPEN COUNCIL THE 22ND DAY OF JANUARY, 2001.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 22ND DAY OF JANUARY, 2001.


MAYOR


CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 2001-07 FOR THE CORPORATION OF THE
CITY OF NORTH BAY



CANADA

PRIVY COUNCIL • CONSEIL PRIVE

P.C. 2000-1144
July 27, 2000

Her Excellency the Governor General in Council, on the recommendation of the Minister of Canadian Heritage, pursuant to section **8** of the *Heritage Railway Stations Protection Act*, hereby authorizes the Canadian Pacific Railway Company to sell its railway station in North Bay, Ontario, to the City of North Bay, in accordance with the conditions set out in the annexed schedule.

CERTIFIED TO BE A TRUE COPY--COPIE CERTIFIEE CONFORME

A handwritten signature in black ink, appearing to read "J. St. Pierre".

CLERK OF THE PRIVY COUNCIL--LE GREFFIER DU CONSEIL PRIVE

SCHEDULE

It is recommended that Canadian Pacific Railway be authorized to sell its former station building located in North Bay, Ontario, on condition that:

- the City of North Bay (the purchaser) offers to grant the Ontario Heritage Foundation (the Foundation) for nominal consideration a heritage conservation easement interest in the exterior and interior of the former station complex and in any of its surrounding grounds in which the Foundation may express an interest (the Offer);
- in the event that the Foundation accepts the Offer within a reasonable period before the closing date (the Closing Date) for the purchaser's purchase of the station complex and lands (the Purchase) and it is possible for the necessary documentation to be prepared and executed prior to the Closing Date, then the purchaser's grant of a conservation easement shall be concurrent with the closing of the Purchase;
- in the event that the Foundation does not accept the Offer before the Closing Date, then (a) the Offer shall survive the closing of the Purchase and shall remain effective for a period (the Extended Offer Period) of **two (2)** years beyond the Closing Date and (b) the purchaser shall register notice of the Order in Council approving this sale with these conditions on title to the station complex lands immediately following the transfer/deed;
- at any time during the Extended Offer Period, the Foundation shall have the right to accept the Offer and, in such event, the purchaser shall be obligated to complete the above-noted grant of a heritage conservation easement within a reasonable period of time thereafter;
- in the event that the Offer is accepted, the purchaser's grant of a heritage conservation easement shall be in the Foundation's form of a heritage conservation easement agreement and shall be registered on title to the station complex lands as a first encumbrance following the purchaser's transfer/deed.

The above condition recognizes the historical, architectural and environmental importance of the former station complex which was designated a heritage railway station for the purposes of the **Heritage Railway Stations Protection Act** for the reasons set out in the Heritage Character Statement for the complex prepared by the Historic Sites and Monuments Board of Canada.

THIS IS SCHEDULE "B" TO BY-LAW NO. 2001-07 FOR THE CORPORATION OF THE
CITY OF NORTH BAY
