

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2442

Being a By-law authorizing The Corporation of the City of North Bay to enter into that certain Agreement dated the 21st day of December 1967 between The Corporation of the City of North Bay of the First Part, McCarthy Bus Lines Limited of the Second Part and Philip McCarthy of the Third Part relating to the existing bus franchise Agreement dated the 7th day of November 1966.

WHEREAS the Council of The Corporation of the City of North Bay deems it advisable and necessary to enter into the Agreement hereinafter referred to upon and subject to the terms and conditions therein set forth;

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 that certain Agreement dated the 21st day of December 1967 between The Corporation of the City of North Bay of the First Part, McCarthy Bus Lines Limited of the Second Part and Philip McCarthy of the Third Part 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 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 27TH DAY OF DEC. 1967.
READ A SECOND TIME IN OPEN COUNCIL THIS 27TH DAY OF DEC. 1967.
READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 27TH DAY OF DEC. 1967.

Archie MacLean
.....
ACTING MAYOR

E. E. Armstrong
.....
CITY CLERK

AGREEMENT made (in triplicate) this twenty-first day of December A.D. 1967

B E T W E E N:

THE CORPORATION OF THE CITY OF NORTH BAY in the District of Nipissing in the Province of Ontario;

- hereinafter called the "CITY"

of the FIRST PART

AND

McCARTHY BUS LINES LIMITED, a Corporation duly incorporated under the laws of the Province of Ontario with Head Office at the City of North Bay in the District of Nipissing;

- hereinafter called the "OPERATOR"

of the SECOND PART

AND

PHILIP McCARTHY of the City of North Bay in the District of Nipissing, formerly carrying on business under the firm name and style of McCarthy Bus Service;

- hereinafter called "McCARTHY"

of the THIRD PART

WHEREAS the City and McCarthy did enter into an Agreement in writing dated the 7th day of November 1966 relating to the exclusive right to operate buses within the City upon and subject to the terms and conditions set forth in the said Agreement;

AND WHEREAS pursuant to an Annexation Order of the Ontario Municipal Board dated the 4th day of December 1967 the City is empowered to extend to the 30th day of June 1968 the aforesaid existing bus franchise Agreement upon and subject to the terms and conditions set forth in the said Agreement;

AND WHEREAS pursuant to the terms and provisions of the aforesaid Agreement McCarthy has transferred and assigned to the Operator all the assets and liabilities of McCarthy Bus Service including all the rights and liabilities referred to in the aforesaid Agreement dated the 7th day of November 1966 and the other Agreements therein referred to;

AND WHEREAS pursuant to the aforesaid Order of the Ontario Municipal Board the City and the Operator are desirous of extending the duration of the aforesaid Agreement dated the 7th day of November 1966 to the 30th day of June 1968 subject to the terms and conditions set forth in the said Agreement;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the parties hereto covenant and agree as follows:

1. McCarthy and the Operator hereby acknowledge, covenant and agree with the City that all the assets and liabilities of McCarthy, formerly carrying on business under the firm name and style of McCarthy Bus Service (including the aforesaid Agreement dated the 7th day of November 1966) have been transferred to and assumed by the Operator and the City does hereby consent to the aforesaid transfer and assignment.

2. The City and the Operator, pursuant to the Order of the Ontario Municipal Board aforesaid and for other valuable consideration, do hereby mutually covenant and agree that notwithstanding the expiration date set forth in the aforesaid Agreement dated the 7th day of November 1966, the duration of the said Agreement shall be deemed to be and it is hereby extended to the 30th day of June 1968 upon and subject to the terms and conditions therein set forth and the City and the Operator mutually covenant and agree that they will carry out and perform the terms and provisions of such Agreement.

3. This Agreement shall enure to the benefit of and be binding upon the City and the Operator, their successors and assigns respectively, and upon McCarthy, his heirs, executors, administrators and assigns.

IN WITNESS WHEREOF the City and the Operator have hereunto affixed their Corporate Seals under the hands of their respective signing officers and IN WITNESS WHEREOF McCarthy has hereunto set his hand and seal, as of the day and year first above written.

THE CORPORATION OF THE CITY OF NORTH BAY

"ARCHIE MACLEAN"
ACTING MAYOR

"C. E. ARMSTRONG"
CLERK

MCCARTHY BUS LINES LIMITED

"P. MCCARTHY"
Pres.

"DOROTHY MCCARTHY"
Vice-Pres.

PHILIP MCCARTHY

"P. MCCARTHY"